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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SANDRA ANDRE-GOLLIHAR, et al.,
Plaintiffs,
v.
COUNTY OF SAN JOAQUIN, et al.,
Defendants.

No. 2:09-cv-3313-TLN-KJN PS

ORDER

Pending before the court is defendants’ renewed motions to dismiss plaintiff’s fourth amended complaint, noticed for hearing on October 3, 2013. (ECF Nos. 90, 91.) Plaintiff’s opposition or statement of non-opposition to these motions are presently due on September 6, 2013. (ECF No. 92.) On August 21, 2013, plaintiff filed a motion for a two-month extension of time with respect to her legal commitments. (ECF No. 93.) Plaintiff’s motion consists of two doctor’s notes, which indicate that plaintiff is under medical care for “several grave medical conditions including most recently, cancer surgery,” which took place on August 7, 2013, and which renders her unlikely to withstand the physical demands of legal proceedings at this time. (Id.) The most recent August 16, 2013 doctor’s note suggests a two-month extension as of the date of the note. (Id.)

Because plaintiff apprised the court of her upcoming surgery at the July 25, 2013 status conference, and the request is supported by medical documentation, the court grants plaintiff’s


1 motion for an approximately two-month extension and continues the hearing and briefing
2 deadlines as outlined below. However, as discussed in the court's prior July 26, 2013 order and
3 findings and recommendations, this case was originally filed in 2009 and has already been subject
4 to numerous delays. Although plaintiff was not personally at fault for all the delays that ensued
5 in this action, defendants also deserve an opportunity to move this action forward to a resolution
6 on the merits. Therefore, plaintiff is cautioned that the court is strongly not inclined to grant any
7 further extensions. If plaintiff feels, upon expiration of the extension, that her medical condition
8 still prevents her from prosecuting this case, the court will have little choice but to recommend
9 dismissal of the action.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. Plaintiff's motion for an extension of time (ECF No. 93) is GRANTED.
- 12 2. The October 3, 2013 hearing on defendants' motions to dismiss is VACATED and
13 CONTINUED to Thursday November 21, 2013, at 10:00 a.m., in Courtroom No. 25
14 before the undersigned.
- 15 3. Plaintiff shall file any opposition or statement of non-opposition to defendants'
16 motions no later than **November 7, 2013**. *Failure to file an opposition or statement of*
17 *non-opposition to the motions by the required deadline will result in a*
18 *recommendation that the action be dismissed with prejudice pursuant to Federal Rule*
19 *of Civil Procedure 41(b).*
- 20 4. Defendants may file any reply brief no later than November 14, 2013.

21 IT IS SO ORDERED.

22 Dated: August 27, 2013

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25 KENDALL J. NEWMAN
26 UNITED STATES MAGISTRATE JUDGE
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