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

JAMES S. GRILL,

Plaintiff,

No. 2:10-cv-0757 GEB GGH PS

vs.

TOM QUINN,

Defendant.

ORDER

\_\_\_\_\_ /

Presently before the court is defendant’s motion to amend the scheduling order and to continue the hearing on the summary judgment motions, filed November 8, 2012. The motion is based on the allegedly impending November 27, 2012 foreclosure of plaintiff’s property which is the subject of this action. Plaintiff filed an opposition on November 13, 2012.

Because it is unclear what the ownership status of the subject property will be, not only in the near future but for some time to come, and because the standing argument will require facts outside the pleadings, defendant’s motion to permit the filing of a motion for judgment on the pleadings in lieu of a cross-motion for summary judgment is denied. Defendant will be permitted, however, to raise the jurisdictional issue of standing pursuant to Fed. R. Civ. P. 12(b)(1) within its cross-motion for summary judgment.

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1 Accordingly, IT IS HEREBY ORDERED that:

2 1. Defendant's motion to amend the scheduling order and to continue the hearing  
3 on the summary judgment motions, filed November 8, 2012, (dkt. no. 76), is granted in part and  
4 denied in part.

5 2. The November 21, 2012 deadline for defendant to file his cross-motion is  
6 extended to December 6, 2012.

7 3. Plaintiff may file a reply by December 13, 2012.

8 4. The hearing currently scheduled for December 6, 2012 is continued to  
9 December 20, 2012.

10 DATED: November 14, 2012

11  
12 /s/ Gregory G. Hollows  
13 UNITED STATES MAGISTRATE JUDGE

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