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

SHEPARD JOHNSON,

Plaintiff,

No. 2:10-cv-1968 GEB GGH PS

vs.

CHESTER MITCHELL, et al.,

ORDER

Defendants.

_____ /

On December 2, 2012, plaintiff moved for an extension of time in which to file an opposition to defendants' motion for summary judgment (dkt. 245). Dkt. 254. A hearing on the summary judgment motion is currently set for December 20, 2012.

Plaintiff, who is proceeding pro se in this matter, initiated this diversity action on July 23, 2010 alleging malicious prosecution and civil conspiracy to commit malicious prosecution against various defendants. Dkt. 1. Plaintiff proceeds with the third amended complaint filed on November 6, 2011. See Dkt. 119. The court entered a scheduling order on October 10, 2012 setting forth a time line by which summary judgment briefing was to proceed. Dkt. 228. By that order, defendants were to file one consolidated motion for summary adjudication by November 21, 2012. Id. Plaintiff was given until December 6, 2012 to file any opposition and/or cross-motion for the same. Id. Plaintiff now seeks an additional 35 days to

1 respond to defendants' November 21, 2012 motion for summary judgment. Dkt. 254. In support
2 of his request, plaintiff explains that he is still in the process of obtaining Panamanian court
3 documents from at least twelve of the underlying court cases which gave rise to the instant
4 litigation. Id. Defendants oppose plaintiff's motion, stating that he has had over two-and-a-half
5 years in which to procure the documents he now seeks. Dkt. 255. Nonetheless, if the court
6 allows plaintiff's motion for an extension of time, defendants similarly request additional time in
7 which to reply to plaintiff's opposition and/or cross-motion for summary judgment. Id.

8 Given the numerous defendants named in this action, the complexity of the legal
9 issues presented, and the fact that some of the summary judgment evidence plaintiff seeks to
10 present resides in a foreign state, plaintiff will be granted an additional 28 days in which to file
11 his opposition. Accordingly, defendants will be allowed 21 days in which to file a reply.

12 Plaintiff also seeks relief from the court's order imposing a limit of 25 pages on
13 any filing he enters in this matter. Dkt. 169. Defendants' motion for summary judgment is 23
14 pages long, but plaintiff claims to need in excess of 25 pages in order to sufficiently respond.
15 Dkt. 254. Considering that plaintiff's opposition may also include a cross-motion for summary
16 judgment against ten defendants, plaintiff will be allowed up to 35 pages in which to oppose
17 and/or move for summary judgment against these defendants.

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For the foregoing reasons, IT IS HEREBY ORDERED THAT:

1. The hearing currently set for December 20, 2012 is VACATED and reset for January 31, 2013 at 10:00 a.m.;

2. Plaintiff shall file his opposition and/or his cross-motion for summary judgment against defendants by January 3, 2013. The total number of pages included in plaintiff's filing (brief) shall not exceed 35. Any pages exceeding the 35-page limit will be stricken.

3. Defendants shall file one, consolidated reply to plaintiff's opposition or cross-motion for summary judgment by January 24, 2013.

IT IS SO ORDERED.

DATE: December 5, 2012

/s/ Gregory G. Hollows
UNITED STATES MAGISTRATE JUDGE

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