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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRYAN C. McINTIRE, an individual,

NO. CIV. S-11-2495 LKK/CKD

Plaintiff,

v.

SUNRISE SPECIALTY COMPANY, a California corporation,

O R D E R

Defendant.

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Plaintiff has moved for clarification of the court's November 9, 2012 order (ECF No. 49), which addressed the timing of the parties' anticipated cross-motions for summary judgment. The motion is well-taken, in that the court's order was reasonably susceptible of the conflicting interpretations which the parties have in fact taken. The court has determined that the clarification motion should be granted on the papers and without oral argument.

The court accordingly orders as follows:

- 1. Plaintiff's motion for clarification (ECF No. 55) is

1 **GRANTED**, and the hearing on this motion, scheduled for January 14,  
2 2013, is **VACATED**;


3 2. Defendant's response to plaintiff's motion for summary  
4 judgment (ECF No. 50), is due no later than 4:30 p.m. on January  
5 14, 2013.<sup>1</sup>

6 3. The parties' Replies are due no later than 4:30 p.m. on  
7 January 28, 2013.

8 4. The hearing date on the cross-motions for summary  
9 judgment, currently scheduled for January 28, 2013, is **VACATED** , and  
10 the hearing is hereby **RESCHEDULED** for February 11, 2013 at 10:00  
11 a.m.

12 IT IS SO ORDERED.

13 DATED: January 10, 2013.

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16 LAWRENCE K. KARLTON  
17 SENIOR JUDGE  
18 UNITED STATES DISTRICT COURT  
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26 <sup>1</sup> Plaintiff has already filed his Opposition to defendant's  
motion for summary judgment.