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## UNITED STATES DISTRICT COURT

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## EASTERN DISTRICT OF CALIFORNIA

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THOMAS T. AOKI, and AOKI  
DIABETES RESEARCH INSTITUTE, a  
California non-profit corporation,

No. 2:11-cv-02797-TLN-CKD

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Plaintiffs,

**ORDER**

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v.

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GREGORY FORD GILBERT, et al.,

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Defendants.

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The Court is in receipt of Plaintiffs' *Ex Parte* Request to Continue the Trial Date by at least 60 days. (ECF No. 283.) Plaintiffs seek to continue the trial date because Plaintiffs' lead counsel, Mr. Plamondon, has health issues and is in the process of determining appropriate treatment. (ECF No. 283.) Defendants oppose the request. (ECF No. 26 at 2.) Defendants contend the request is made solely because Plaintiffs are not prepared. (ECF No. 286 at 3.)

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Defendants further argue Mr. Plamondon's health issues have been known since the earlier part of this year and thus Plaintiffs had ample time to get another attorney prepared for trial.

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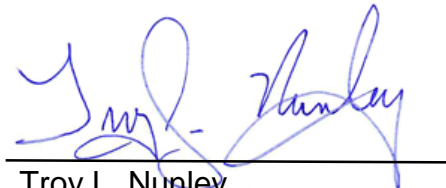
The Court finds the Defendants opposition troubling. Defendants filed two untimely motions for summary judgment and scheduled them for a little over a month before trial. While the Court struck those motions as untimely, the idea that Defendants expected the Court to rule on two very substantial motions within such a short period and now oppose a continuance of the trial

1 is remarkable.

2 The Court has reviewed the motion and finds that Plaintiffs have presented good cause to  
3 warrant a continuance of the trial. Accordingly, Plaintiff's Motion for a Continuance (ECF No.  
4 283) is hereby GRANTED. The Trial is hereby CONTINUED to July 23, 2018. The Final  
5 Pretrial Conference is CONTINUED to May 17, 2018, at 2 PM in Courtroom 2. A Joint Pretrial  
6 Statement shall be filed by 5 PM on May 10, 2018.

7 IT IS SO ORDERED.

8 Dated: December 8, 2017

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12 Troy L. Nunley  
United States District Judge

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