

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

YOLANDA Y. BELL,

Plaintiff,

No. 2:12-cv-1414 GEB JFM (PS)

vs.

UNITED STATES DEP'T OF INTERIOR,  
KENNETH SALAZAR, Secretary,

Defendant.

ORDER

Plaintiff's motion to modify the scheduling order is presently calendared for hearing on May 29, 2013. ECF 68. Defendant filed a motion to dismiss for failure to prosecute which is presently calendared for hearing on June 26, 2013. ECF 71. On May 15, 2013, defendant timely opposed plaintiff's motion to modify the scheduling order. ECF 74. Defendant also filed a motion for sanctions pursuant to Fed. R. Civ. P. 37 and L.R. 251(e)<sup>1</sup>, which is calendared for

<sup>1</sup> Local Rule 251(e) provides:

The foregoing requirement for a Joint Statement re Discovery Disagreement shall not apply to the following situations: (1) when there has been a complete and total failure to respond to a discovery request or order, or (2) when the only relief sought by the motion is the imposition of sanctions. In either instance, the aggrieved party may bring a motion for relief for hearing on fourteen (14) days notice. The responding party shall file a response thereto not later

1 hearing on May 29, 2013. ECF 75 and 76. Finally, plaintiff filed a motion to appear  
2 telephonically at the May 29, 2013, hearing. ECF 72. The court finds that this matter is best  
3 served by hearing the parties' motions concurrently.

4 Accordingly, it is ORDERED that:

5 1. The hearing on defendant's motion to dismiss for failure to prosecute (ECF 71),  
6 currently set for June 26, 2013, is continued to May 29, 2013, at 10:00 a.m. in Courtroom No. 8.

7 2. Plaintiff's oppositions, or non-oppositions, to defendant's motion to dismiss for  
8 failure to prosecute (ECF 71), and defendant's motion for sanctions (ECF 75 and 76) are due on  
9 or before May 22, 2013.

10 3. Defendant's replies to plaintiff's oppositions shall be due on or before 12:00 p.m. on  
11 May 28, 2013.

12 4. Plaintiff is granted leave to appear telephonically at the May 29, 2013, hearing. ECF  
13 72. To arrange telephonic appearance, plaintiff shall contact Courtroom Deputy Nic Cannarozzi  
14 at (916) 930-4172, at least forty-eight hours prior to the hearing.

15 DATED: May 17, 2013.

16   
17 EDMUND F. BRENNAN  
18 UNITED STATES MAGISTRATE JUDGE

19  
20  
21  
22  
23  
24  
25 than seven (7) days before the hearing date. The moving party may  
26 file and serve a reply thereto not less than two (2) court days before  
the hearing date. L.R. 135.