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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

J & J SPORTS PRODUCTIONS, INC.,

Plaintiff,

v.

JULIO TAMAYO, et al.,

Defendants.

No. 2:14-cv-01997-KJM-CKD

ORDER

At issue is whether the court should consider defendants' cross-motion for summary judgment despite its filing after the dispositive motions deadline.

On September 14, 2015, plaintiff re-filed its motion for summary judgment with the assigned magistrate judge after first filing it incorrectly with the undersigned.¹ ECF No. 18. Thereafter, plaintiff was ordered to show cause why the motion for summary judgment should not be stricken given the scheduling order filed February 26, 2015, ECF No. 15, which states all dispositive motions were to be "completed by October 7, 2015." ECF No. 19. The order to show

¹ At the time the motion for summary was first filed, defendant was proceeding pro se. Plaintiff was thus directed to comply with Local Rules 302(c)(21) and 230(a), and re-notice the motion before the assigned magistrate judge. ECF No. 17.

1 cause was discharged on September 24, 2015, ECF No. 21, after plaintiff filed its response, ECF
2 No. 20.

3 On October 7, 2015, defendants filed a notice of appearance of counsel, ECF No.
4 22, and plaintiff's motion for summary judgment was referred back to this court, ECF No. 25.
5 Defendants subsequently opposed plaintiff's motion for summary judgment and filed the instant
6 cross-motion, ECF No. 23. Plaintiff replied, opposing the late filing of defendants' cross-motion.
7 ECF No. 33.

8 In reviewing the procedural history of this case, the court notes that both sides
9 have engaged in filing documents belatedly. ECF Nos. 18, 23. On balance, given the court's
10 strong interest in resolving disputes on the merits, the court will entertain defendants' cross-
11 motion for summary judgment. *See O'Connell v. Potter*, 274 Fed. Appx. 518, 519 (9th Cir. 2008)
12 (district court can extend deadline to file dispositive motions to adjudicate case more efficiently).

13 Accordingly, the court ORDERS plaintiff to file any supplemental opposition
14 briefing it desires to defendants' cross-motion for summary judgment, ECF No. 23. The
15 supplemental opposition briefing shall not exceed fifteen (15) pages, and shall be filed within
16 seven (7) days of this order. Defendants' reply brief, if any, shall be filed no later than seven (7)
17 days after the filing of plaintiff's opposition, and shall not exceed ten (10) pages. Neither party
18 shall engage in any further filings of dispositive motions.

19 In light of the pending motion for summary judgment, and the supplemental
20 briefings to be filed, the balance of the case schedule is RESET as follows: the parties shall file a
21 joint pretrial statement no later than 4/22/2016, the Final Pretrial Conference set for 3/11/2016 is
22 VACATED and RESET for 5/20/2016, and the Jury Trial set for 4/11/2016 is VACATED and
23 RESET for 7/25/2016 at 9:00 AM in Courtroom 3.

24 IT IS SO ORDERED.

25 DATED: February 2, 2016.

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27 _____
28 UNITED STATES DISTRICT JUDGE