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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CITY OF SOUTH LAKE TAHOE  
RETIREES ASSOCIATION,  
  
Plaintiff,  
  
v.  
  
CITY OF SOUTH LAKE TAHOE,  
  
Defendant.

No. 2:15-cv-02502-KJM-CKD

ORDER

On May 18, 2016, the court held a hearing on defendant City of South Lake Tahoe’s motion to dismiss, ECF No. 8. There was no appearance by plaintiff City of South Lake Tahoe Retirees Association. After the court discussed the case with defendant, the court took the matter under submission. Later that day, plaintiff filed a Federal Rule of Civil Procedure 60 motion for relief from mistake, requesting a hearing to provide oral argument on defendant’s motion and stating that it did not appear at the hearing because its cloud-based calendaring system and its network platform calendaring system had a synchronization error. ECF No. 21 at 2. Plaintiff also argues the fact that the hearing had been vacated and reset twice, the first time at the parties’ request and a second time by the court, caused additional confusion. *Id.*

The court finds a Rule 60 motion to be inapplicable here as a mere hearing on defendant’s motion to dismiss is not a final judgment, order or proceeding. Fed. R. Civ. P. 60(b).

1 Plaintiff's motion is thus DENIED. An order to show cause as to why plaintiff did not appear at  
2 the hearing on defendant's motion to dismiss will not be issued, as the court had previously  
3 contemplated. The court confirms that the matter is submitted, and a written order will follow.  
4 This order RESOLVES ECF No. 21, and the hearing set on June 17, 2016 for plaintiff's Rule 60  
5 motion is VACATED.

6 IT IS SO ORDERED.

7 DATED: May 23, 2016

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10 UNITED STATES DISTRICT JUDGE

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