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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

COLLEEN STEWART,  
  
Plaintiff,  
  
v.  
  
PROPERTY AND CASUALTY  
INSURANCE CO. OF HARTFORD,  
  
Defendant.

No. 2:17-cv-2418-TLN-KJN PS  
ORDER

On June 19, 2020, defendant filed a motion for summary judgment, and a hearing on this motion was ultimately set for August 13, 2020. (ECF Nos. 61, 63.) Plaintiff failed to file opposition to this motion, and so the court vacated the hearing and, given her pro se status, provided her with additional time to respond. (ECF No. 64.) Simultaneously, plaintiff mailed to the court a motion to continue, requesting an additional six months to prepare her case before the summary judgment motion is taken up. (ECF No. 65.) Defendant opposed, noting plaintiff has previously requested multiple extensions throughout the case, and noting she has known about her prior attorney’s intent to withdraw since April 2019. (ECF No. 66.)

Given plaintiffs’ pro se status and the overlap between the court’s order and plaintiff’s request, the court grants plaintiff a brief extension to prepare her opposition to defendant’s motion for summary judgment. However, an extension of the length plaintiff requests cannot be granted. Defendant is correct that plaintiff’s attorney moved to withdraw over a year and a half ago, and

1 plaintiff has known about defendant's summary judgment motion since it was filed on June 19,  
2 2020. The court sympathizes with plaintiff's personal issues, but notes that plaintiff brought her  
3 case in 2017 and has delayed it multiple times.

4 Thus, plaintiff's opposition to defendant's motion is now due by September 17, 2020.<sup>1</sup>  
5 Defendant's reply is due September 24, 2020, and the motion will be taken under submission  
6 without a hearing after this date. Plaintiff should observe Local Rule 260 regarding her  
7 opposition to the motion for summary judgment.<sup>2</sup> Any further failure by plaintiff to oppose will  
8 be construed as non-opposition to defendant's motion, and no further extensions of time will be  
9 granted on this motion.

10 **ORDER**

11 IT IS HEREBY ORDERED that:

- 12 1. Plaintiff shall file a written opposition to the motion for summary judgment, or a  
13 statement of non-opposition thereto, on or before September 17, 2020. No further  
14 extensions will be granted. Plaintiff's failure to file a written opposition will be  
15 deemed a statement of non-opposition to the pending motion and consent to the  
16 granting of the motion, and may constitute an additional ground for the imposition  
17 of appropriate sanctions; and
- 18 2. Defendant may file a written reply to plaintiff's opposition on or before September  
19 24, 2020. Thereafter, the court will take this matter under submission without a  
20 hearing.

21 Dated: August 13, 2020

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23 stew.2418

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KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

25 <sup>1</sup> Given the court is under restricted access due to the current health crisis (See General Order  
26 612), plaintiff may submit her filing by mail. Should plaintiff wish to submit her opposition in  
27 person at the court, she is advised to bring a copy of this order with her—as the current general  
28 order restricts public access to the facilities.

<sup>2</sup> The Local Rules of the Eastern District of California are available on the court's website, at  
<http://www.caed.uscourts.gov/caednew/index.cfm/rules/local-rules/>