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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TERRENCE DAVIS,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of the
Social Security Administration,

Defendant.

_____ /

JOHN DOE,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of the
Social Security Administration,

Defendant.

_____ /

No. C-06-6108 EMC

RELATED TO

No. C-09-0980 EMC

**ORDER RE HEARING ON FEBRUARY
3, 2012**

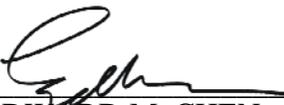
The Court has been informed there is confusion as to which motions are set for hearing on the Court's calendar on February 3, 2012. This order clarifies that only Defendant's motion for summary judgment (Davis Docket No. 195) is set for hearing on that date. Plaintiffs' previously filed summary judgment motion will not be heard until after the Court rules on Defendant's motion, and after any additional discovery and briefing related to Plaintiffs' motion is completed – as contemplated by Judge Patel per her comments at the hearing in November 2010, *see* Docket No. 192 (Tr. at 4, 7, 22), and further as stipulated by the parties and ordered by Judge Patel shortly thereafter. *See* Docket No. 191 (Stip. & Order ¶ 8). To the extent the briefs on Defendant's motion

1 incorporate by reference the briefs on Plaintiffs' earlier motion, the Court will consider those
2 materials.

3 The Court, however, shall hold a "status conference" on Plaintiffs' motion for summary
4 judgment at the hearing scheduled for February 3, 2012. This status conference shall address the
5 need for further discovery and briefing on Plaintiffs' motion. At this juncture, given Judge Patel's
6 effective denial without prejudice of Plaintiffs' motion for summary judgment, *see* Docket No. 192
7 (Tr. at 22) (stating that "I certainly couldn't grant summary judgment on the motion the way it is"),
8 the Court is inclined to have Plaintiffs file a renewed motion for summary judgment (assuming they
9 wish to proceed with a summary judgment motion) after any needed merits discovery is completed.
10 Such a motion would incorporate any new developments that have taken place and/or evidence that
11 has come about since Plaintiffs filed their original motion in August 2010. *See* Davis Docket No.
12 155 (motion).

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14 IT IS SO ORDERED.

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16 Dated: February 1, 2012

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19 EDWARD M. CHEN
20 United States District Judge
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