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United States District Court  
For the Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

INDIANA STATE DISTRICT COUNCIL OF  
LABORERS AND HOD CARRIERS  
PENSION FUND, Derivatively on Behalf of  
Electronics for Imaging, Inc., *et al.*,

No. C-06-7274 EMC

Plaintiffs,

v.

GUY GECHT, *et al.*,

Defendants.

and

ELECTRONICS FOR IMAGING, INC., a  
Delaware Corporation

Nominal Defendant.

**ORDER RE BRIEFING SCHEDULE AND  
HEARING ON DEFENDANT  
UNTERBERG'S MOTION TO  
CONSOLIDATE AND STAY**

CITY OF ANN ARBOR EMPLOYEES'  
RETIREMENT SYSTEM, *et al.*,

Plaintiffs,

No. C-06-7453 EMC

v.

GUY GECHT, *et al.*,

Defendants.

and

ELECTRONICS FOR IMAGING, INC., a  
Delaware Corporation

Nominal Defendant.

1 TRUEMAN PARISH, *et al.*,

No. C-07-0698 MEJ

2 Plaintiffs,

3 v.

4 DAN AVIDA, *et al.*

5 Defendants.

6 and

7 ELECTRONICS FOR IMAGING, INC., a  
8 Delaware Corporation

9 Nominal Defendant.

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The Court has related three lawsuits filed in this District: (1) *Indiana State District Council of Laborers & HOD Carriers Pension Fund v. Gecht*, No. C-06-7274 EMC; (2) *City of Ann Arbor Employees' Retirement System v. Gecht*, No. C-06-7453 EMC; and (3) *Parish v. Avida*, No. C-07-0698 EMC. Currently pending is Defendant Thomas I. Unterberg's motion to consolidate all three actions and to stay the cases (excepting the motion to remand in the *Ann Arbor* case) pending resolution of the motion to consolidate and filing of consolidated complaint.

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Although Mr. Unterberg has labeled the motion an administrative motion, it is not properly characterized as such. *See* Civ. L.R. 7-11 (providing that, in the course of proceedings, a party may need a court order with respect to a miscellaneous administrative matter not otherwise governed by, *inter alia*, a Federal or Local Rule; noting that administrative motions are motions such as those to exceed page limitations or to file documents under seal). The Court therefore treats the motion as a motion governed by Civil Local Rule 7-2. On the other hand, because Mr. Unterberg is asking for a stay of proceedings pending resolution of the motion to consolidate, the Court will shorten time on the request for a stay.

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Any opposition to the motion to stay shall be filed by February 21, 2007. Unless otherwise ordered, the Court will rule on the motion to stay on the papers.

1 As for the motion to consolidate, it shall be heard on **March 14, 2007, at 10:30 a.m.** The  
2 initial case management conference for all three actions shall be rescheduled for the **same day and**  
3 **time.** Any opposition to the motion to consolidate shall be filed by February 26, 2007, and a reply  
4 by March 5, 2007. Although this hearing date gives Plaintiffs only thirty days notice, and not thirty-  
5 five, *see* Civ. L.R. 7-2, it will not unduly prejudice them. Similarly, although this briefing schedule  
6 does not comport with Civil Local Rule 7-3, it will not unduly prejudice either Plaintiffs or  
7 Defendants.

8 IT IS SO ORDERED.

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10 Dated: February 13, 2007



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12 EDWARD M. CHEN  
13 United States Magistrate Judge  
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