

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

United States District Court  
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TERESA PADILLA,

No. C 07-02396 WHA

Plaintiff,

v.

**ORDER GRANTING  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT AND  
VACATING HEARING**

UNITED PARCEL SERVICE COMPANY  
dba UNITED PARCEL SERVICE CO.  
(AIR), and DOES 1-50, inclusive,

Defendants.

Defendants moved for summary judgment against plaintiff Teresa Padilla, who alleged the following claims against UPS: (i) discrimination based on physical disability, (ii) retaliation; and (iii) failure to prevent discrimination. She also claimed punitive damages.

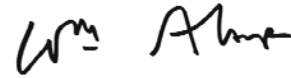
Although Ms. Padilla filed this lawsuit in state court in 2006 (and it was removed to federal court in 2007), she has repeatedly missed deadlines and failed to prosecute her case. A previous order dated August 25, 2008 noted that Ms. Padilla did not file a timely opposition to defendants' motion for summary judgment, in accordance with the civil local rules. The order then gave Ms. Padilla an extra week to file an opposition, stating that, "[i]f plaintiff does not file a timely opposition, the motion will be deemed unopposed" (Dkt. No. 58).

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

No opposition has been forthcoming. Accordingly, defendants' motion for summary judgment is deemed unopposed by Ms. Padilla. The motion is **GRANTED**. Because oral argument is unnecessary, the hearing set for September 18, 2008, is **VACATED**.

**IT IS SO ORDERED.**

Dated: September 2, 2008.



---

WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE