

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

JULIE CHATTLER,  
Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,  
Defendants

No. C-07-4040 MMC

**ORDER RE: ADMINISTRATIVE MOTION  
TO CONTINUE HEARING DATE ON  
MOTIONS FOR SUMMARY JUDGMENT;  
VACATING MAY 22, 2009 HEARING;  
SETTING JULY 31, 2009 HEARING;  
CONTINUING CASE MANAGEMENT  
CONFERENCE**

---

Before the Court is plaintiff's Administrative Motion, filed May 18, 2009, by which plaintiff seeks to continue the May 22, 2009 hearing on the parties' respective motions for summary judgment. Defendants have filed opposition thereto. Having read and considered the parties' respective filings, the Court rules as follows.


In their opposition, defendants, as an alternative to continuing the May 22, 2009 hearing, suggest the Court hear, as scheduled, argument regarding the issues to which the recently-granted discovery does not pertain, i.e., the issues presented by the parties' respective motions other than the issue of prudential exhaustion. The Court, having read and considered the parties' respective motions for summary judgment, deems those former issues appropriate for determination without oral argument, and, accordingly, the hearing scheduled for May 22, 2009 is VACATED. If the Court ultimately determines those issues

1 contrary to the position asserted by defendants, the Court will thereafter consider the  
2 parties' respective arguments regarding prudential exhaustion. To allow plaintiffs sufficient  
3 time to conduct discovery with respect to that issue and to accommodate the particular  
4 concerns raised by defendants with respect to the availability of defendants' counsel, the  
5 hearing on the issue of prudential exhaustion is hereby scheduled for July 31, 2009, at 9:00  
6 a.m.<sup>1</sup>

7 Finally, in light of the pendency of the parties' respective motions for summary  
8 judgment, the Case Management Conference scheduled for June 19, 2009 is hereby  
9 CONTINUED to September 18, 2009; a Joint Case Management Statement shall be filed  
10 no later than September 11, 2009.

11 **IT IS SO ORDERED.**

12  
13 Dated: May 20, 2009

14   
15 MAXINE M. CHESNEY  
16 United States District Judge  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

---

27 <sup>1</sup>Should defendants later require an additional extension to accommodate  
28 defendants' counsel, defendants may seek such relief from the Court at that time.