

United States District Court
For the Northern District of California

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

DENNIS HART, et al.,
Plaintiffs,
v.
CITY OF ALAMEDA,
Defendant.

No. C-07-5845 MMC

**ORDER CONTINUING HEARING ON
PLAINTIFFS' MOTION FOR SUMMARY
ADJUDICATION OF ISSUES AND
DEFENDANT'S MOTION FOR PARTIAL
SUMMARY JUDGMENT**

Before the Court are plaintiffs' Motion for Summary Adjudication of Issues, filed January 12, 2009 and noticed for hearing February 27, 2009, and defendant's Opposition to Plaintiff's Motion for Summary Adjudication and Motion for Partial Summary Judgment, filed February 6, 2009 and likewise noticed for hearing February 27, 2009. On February 17, 2009, plaintiffs filed a reply to defendant's opposition to plaintiffs' motion. On February 20, 2009, defendant filed a reply in support of its motion.

As the final memorandum in connection with the instant motions was filed less than two weeks prior to the hearing date, and, in light of the Court's calendar, the hearing on the motions is hereby CONTINUED to March 13, 2009. See Civ. L.R. 7-3(c) (providing reply

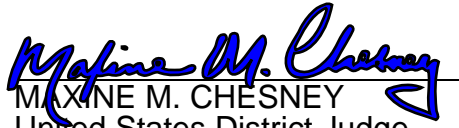
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1 must be filed “not less than 14 days before the hearing date”).¹

2 **IT IS SO ORDERED.**

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Dated: February 23, 2009


MAXINE M. CHESNEY
United States District Judge

¹The Court further notes that the briefing schedule on the instant motions was the result of defendant’s having noticed its motion for partial summary judgment for a date less than 35 days from the date of the filing of such motion, which schedule is not in accordance with the Civil Local Rules of this district. See Civ. L.R. 7-2(a) (providing motion must be noticed for hearing “not less than 35 days after service of the motion”). To comply with the Civil Local Rules, defendant’s motion should have been noticed for hearing on March 13, 2009. Under such circumstances, the Court likely would have continued the hearing on plaintiffs’ motion to the same date.