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3 IN THE UNITED STATES DISTRICT COURT  
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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6 LARRY TYRONE BRANTLEY, SR., ELLEN ) Case No. 07-6139 SC  
7 BRANTLEY, )  
8 Plaintiffs, ) ORDER GRANTING CONTINUANCE  
9 v. ) TO ALLOW PLAINTIFFS TO FILE  
10 GARRETT BOYD, MODO REALTY, INC., ) A SUPPLEMENTAL REPLY IN  
11 ROYAL CROWN MORTGAGE, SERGEI ) PARTIAL SUMMARY JUDGMENT  
12 KLYAZMIN, ACADEMY ESCROW, )  
13 Defendants. )  
\_\_\_\_\_ )

14 On January 7, 2011, Plaintiffs Larry Brantley and Ellen  
15 Brantley ("Plaintiffs") filed a Motion for Partial Summary Judgment  
16 against Defendants Modo Realty, Inc., Royal Crown Mortgage, and  
17 Sergei Klyazmin (collectively, "Defendants"). ECF No. 168  
18 ("Mot."). The hearing on the Motion was scheduled for February 11,  
19 2011. Defendants filed an Opposition on January 28, 2011. ECF No.  
20 178 ("Opp'n"). Plaintiffs immediately filed a two-page "Reply to  
21 Late Filing of [Defendants'] Opposition." ECF No. 186 ("Reply").

22 In their Reply, Plaintiffs note that Defendants filed their  
23 Opposition only fourteen days before the date of the hearing  
24 instead of the twenty-one days before the date of the hearing  
25 required by Civil Local Rule 7-3. Reply at 2. The date on which  
26 Defendants filed their Opposition was in fact the same date on  
27 which, according to Civil Local Rule 7-3, Plaintiffs were required  
28 to file their Reply. Plaintiffs therefore did not have sufficient

1 time to consider the Opposition before entering their Reply.

2 Plaintiffs ask the Court to disregard Defendants' Opposition  
3 and grant Plaintiffs' Motion due to Defendants' tardy filing.

4 While the Court does not condone violations of the Civil Local  
5 Rules, it finds that the interests of justice would not be served  
6 by granting Plaintiffs' Motion due to Defendants' filing error.  
7 Rather, the Court finds it appropriate to grant a fifteen-day  
8 continuance to allow Plaintiffs to file a supplemental reply to  
9 Defendants' Opposition if they so desire. The Court also puts  
10 Defendants on notice that further violations of the Civil Local  
11 Rules will not be tolerated.

12 Accordingly, the Court GRANTS Plaintiffs a fifteen-day  
13 continuance to file a supplemental reply to Defendants' Opposition.  
14 Plaintiffs shall have until midnight on March 30, 2011 to file a  
15 supplemental reply if they so desire.

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17 IT IS SO ORDERED.

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19 Dated: March 15, 2011

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UNITED STATES DISTRICT JUDGE

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