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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOSE AYALA et al.,

Plaintiffs,

v.

PACIFIC MARITIME
ASSOCIATION, et al.,

Defendants.

NO. C 08-0119 TEH

ORDER VACATING HEARING
AND TRIAL DATES, AND
SETTING CASE MANAGEMENT
CONFERENCE

The Court is in receipt of the Notice of Plaintiffs' Failure to File Timely Opposition to their Summary Judgment Motion; Request for Entry of Judgment for Defendants or, Alternatively, for Continuance of Hearing of Defendants International Longshore and Warehouse Union and ILWU Local 13, dated June 26, 2009, and Plaintiffs' Opposition to Request for Entry of Judgment, dated June 29, 2009.

Contrary to Plaintiffs' representation, the Court's clear recollection, as reflected in the notes of Court staff and Defendants' filing, is that the Court adopted the complete briefing schedule, including opposition and reply dates, articulated by the Parties in their Joint Case Management Conference Statement of March 27, 2009. According to that schedule, Plaintiffs' Opposition brief was due on June 18, 2009 and Defendants' Reply brief was due on June 26, 2009. Plaintiffs' unilateral abandonment of that schedule and self-imposed deadline of June 29, 2009 represent a serious and unwarranted departure from the party-proposed and Court-adopted briefing schedule on this motion.


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Observing that this is not the first time that the Court has experienced scheduling and deadline concerns in this matter, the Court concludes that this matter must be handled in a deliberate and measured manner. Accordingly, and good cause appearing, the Court orders that Defendants' reply brief shall be due on July 13, 2009. The hearing currently scheduled for July 20, 2009, and the trial currently scheduled for September 29, 2009, are hereby VACATED. All parties remaining in the case shall appear before the Court on July 20, 2009, at 10:00 A.M., for a case management conference, at which time the Court will reschedule both the hearing on Defendants' Motion for Summary Judgment and the trial.

Furthermore, because Plaintiffs' recollection of the unreported case management conference of March 30, 2009, differs so dramatically from that of the Court and that recorded in the notes of the Court's staff, the Court has concluded that a transcript will be necessary for the next case management conference. Plaintiffs' counsel shall personally assume the cost of the production of said transcript at the expedited, seven-day rate.

IT IS SO ORDERED.

Dated: July 1, 2009



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT