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## IN THE UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

8

WILLIAM J. WHITSITT,

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Plaintiff,

No. 08-01802 JSW

10

v.

**ORDER SETTING BRIEFING  
SCHEDULE ON MOTION FOR  
SUMMARY JUDGMENT**

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SGT. GEORGE LYTLE, et al.

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Defendants.

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On March 6, 2009, Plaintiff filed a Motion for Summary Judgment Failure to Answer Amended Complaint or Alternative Remedy, which is noticed for hearing on April 24, 2009.<sup>1</sup>

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Defendants' opposition to the motion shall be due on March 27, 2009. Plaintiffs' reply shall be due on April 3, 2009. If the parties seek to modify this briefing schedule, they shall submit a request demonstrating good cause for any such request. If the Court finds the matter suitable for disposition without oral argument, the Court shall notify the parties in advance of the hearing.

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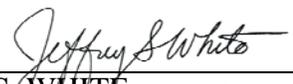
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**IT IS SO ORDERED.**

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Dated: March 10, 2009

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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> On February 3, 2009, this Court issued an Order granting in part and denying in part the County Defendants' motion to dismiss. Because the Court did not set a specific deadline by which the remaining defendants were required to file an answer, a responsive pleading was due by no later than February 18, 2009. *See* Fed. R. Civ. P. 12(a)(4)(A). Pursuant to that rule, the remaining defendants were required to file a responsive pleading by no later than February 18, 2009. There is no responsive pleading on file.

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA  
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5 WILLIAM J. WHITSITT,  
6 Plaintiff,

Case Number: CV08-01802 JSW

7 **CERTIFICATE OF SERVICE**

8 v.

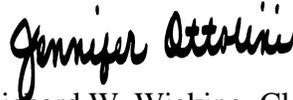
9 SGT. GEORGE LYTLE et al,  
10 Defendant.

11 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.  
12 District Court, Northern District of California.

13 That on March 10, 2009, I SERVED a true and correct copy(ies) of the attached, by  
14 placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter  
15 listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an  
16 inter-office delivery receptacle located in the Clerk's office.

17 William J. Whitsitt  
18 335 W. Clover Road  
19 Tracy, CA 95376

20 Dated: March 10, 2009



21 Richard W. Wieking, Clerk  
22 By: Jennifer Ottolini, Deputy Clerk  
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