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

CHERYL COTTERILL,

Plaintiff,

No. C 08-02295 JSW

v.

CITY AND COUNTY OF SAN FRANCISCO,
ET AL.,

Defendants.

**ORDER RE REPLY TO MOTION
FOR SUMMARY JUDGMENT
AND STAYING PRETRIAL
DEADLINES**

_____ /

This matter is currently set for a hearing on October 23, 2009 at 9:00 a.m. on the City Defendants' motion for summary judgment. The Court has ordered that an opposition to the City Defendants' motion was to be filed by no later than August 31, 2009 and a reply brief was to be filed by no later than September 8, 1009. When the Court did not receive an opposition to the pending motion, on September 24, 2009, it ordered Plaintiff to show cause as to why this matter should not be dismissed for failure to prosecute.

Now the Court has received Plaintiff's counsel's response to the order to show cause as well as a very late-filed opposition to the motion for summary judgment. Although the Court finds the filings and the delay in their submission entirely unacceptable, it will take under advisement whether to dismiss the case for lack of diligent prosecution or whether to strike the late-filed opposition to the pending motion for summary judgment. In order to ensure that the record be complete and the motion for summary judgment is fully briefed, the Court orders that Defendants' reply to the motion be filed by October 13, 2009. The hearing date of October 23, 2009 remains unchanged. However, all pretrial deadlines are stayed pending the Court's

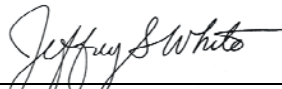
United States District Court
For the Northern District of California

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decision on the order to show cause and/or the motion for summary judgment.

IT IS SO ORDERED.

Dated: October 1, 2009



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE