

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

TSEGAI HAILE,  
Plaintiff,  
v.  
SANTA ROSA MEMORIAL HOSPITAL, et  
al.,  
Defendants.

No. C-08-4149 MMC  
**ORDER GRANTING PLAINTIFF'S  
MOTION TO CONTINUE TRIAL**

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Before the Court is plaintiff Tsegai Haile's Motion for Extension of Trial Date, filed October 8, 2009, to which defendant Santa Rosa Memorial Hospital has filed opposition. Having read and considered the papers filed in support of and in opposition to the motion, the Court rules as follows.

To the extent plaintiff's motion is based on his counsel's trial schedule, the Court finds no continuance is warranted. To the extent the motion is based on plaintiff's counsel's obligations related to his father's medical condition, however, the Court finds good cause for a limited continuance has been shown.

The Court further finds defendant has not made a sufficient showing that it would be prejudiced by such continuance. Although defendant's counsel has provided a declaration stating he has made a considerable effort to secure the availability of witnesses for the

1 upcoming trial date, the number of witnesses defendant anticipates calling is not specified  
2 therein nor are any particular difficulties in rescheduling any such witness identified.

3 Moreover, if a medical emergency requiring plaintiff's counsel's attention were to  
4 occur during the trial, such event likely would result in disruption of the trial, including the  
5 rescheduling of witnesses, and, potentially, a mistrial.

6 Accordingly, the trial is hereby CONTINUED to February 8, 2009 at 8:30 a.m. In  
7 light of such continuance, the Pretrial Conference is continued to January 26, 2009 at 3:00  
8 p.m.

9 **IT IS SO ORDERED.**

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11 Dated: October 23, 2009

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13 MAXINE M. CHESNEY  
14 United States District Judge

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