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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 CHARLOTTE YEE,

13 Plaintiff,

14 v.

15 HILDA SOLIS, U.S. Secretary of Labor,*

16 Defendant.

No. C 08-4259 MMC (EMC)

OPPOSITION TO PLAINTIFF'S
ADMINISTRATIVE MOTION FOR
SHORTENED TIME; ~~PROPOSED~~ ORDER

17 Defendant hereby objects to Plaintiff's Motion to Shorten Time for hearing her Motion to
18 Compel Documentation, Depositions and Responses to Admissions ("Second Motion to Compel"),
19 which is not noticed for any date. At the outset, Defendant notes that Plaintiff did not meet and
20 confer with opposing counsel, as required by Civ. L.R. 37-1(a), prior to filing her Second Motion
21 to Compel. Declaration of Melanie Proctor ("Proctor Decl."), p.1 ¶ 2.

22 Moreover, Plaintiff has utterly failed to comply with Civ. L.R. 6-3. First, Plaintiff made no
23 attempt to obtain a stipulation to the time change. Id. Her Motion to Shorten Time is
24 unaccompanied by any explanation of the reason for her request, or any statement describing the
25 prejudice that would occur if the Court did not change the time. Civ. L.R. 6-3.

26 It appears that Plaintiff would suffer no prejudice if the Court did not shorten the time.
27

28 *Pursuant to Fed. R. Civ. P. 25(d)(1), Hilda Solis is substituted for her predecessor, Elaine Chao,
as Secretary of the Department of Labor.

1 Discovery in the case does not close until November 13, 2009. See Pretrial Order, Elec. Dkt.
2 No. 25. In contrast, however, Defendant would be greatly prejudiced. Under the local rules,
3 opposition to a motion is due twenty-one days prior to the hearing. Civ. L.R. 7-3(b). Plaintiff's
4 proposed schedule would not allow Defendant to voice her position on this Second Motion to
5 Compel.

6 In light of the fact that Defendant has filed a Motion to Compel Plaintiff's Deposition and
7 Responses to Discovery, and properly noticed that Motion for hearing on May 13, 2009, Defendant
8 respectfully suggests that Plaintiff's Second Motion be calendared to be heard on that date.

9 Dated: April 6, 2009

Respectfully submitted,

10 JOSEPH P. RUSSONIELLO
United States Attorney

11 /s/
12 MELANIE L. PROCTOR
13 Assistant United States Attorney
Attorneys for Defendant

14 **PROPOSED ORDER**

15 Plaintiff's Motion for Shortened Time is hereby DENIED. Plaintiff has failed to meet and
16 confer with opposing counsel, as required by Civ. L.R. 6-3(a) and 37(a)(1), and failed to set forth
17 any of the reasons for her request to shorten time. ~~Moreover, she has not properly noticed her~~
18 ~~motion.~~ Plaintiff's Second Motion to Compel shall be heard May 13, 2009, the date noticed on
19 Defendant's Motion to Compel. *OPPOSITION BRIEF SHALL BE FILED BY APRIL 22, 2009, +*
REPLY BRIEF BY APRIL 29, 2009.

20 IT IS SO ORDERED.

21 
22 EDWARD M. GREEN
United States Magistrate Judge