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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MIXT GREENS,
Plaintiff,
v.
SPROUT CAFÉ,
Defendant.

No. C-08-5175 EMC

**ORDER GRANTING PLAINTIFF’S
MOTION TO SHORTEN TIME
(Docket No. 84)**

Plaintiff has filed a motion for leave to file a first amended complaint, which it seeks to have heard on shortened time. In the proposed amendment, Plaintiff seeks to add as additional defendants Tu Ha Huynh and Vinh Vi, the co-owners of Defendant. Plaintiff also seeks to add as a defendant Café Sprout, Inc., doing business as Sprout Café. Under a regularly noticed schedule, Plaintiff’s motion for leave to amend would not be heard until July 28, 2010. Plaintiff asks that the motion be heard on shortened time because fact discovery in the case is slated to close on July 14, 2010, and expert discovery on August 30, 2010. Defendant failed to file a timely opposition to Plaintiff’s request for shortened time. *See* Civ. L.R. 6-3(c) (providing that an opposition to a motion to shorten time shall be filed “no later than 4 days after receiving the motion”).¹ In the interest of justice, however, the Court has considered the merits of Defendant’s untimely opposition.

¹ The Court notes that, even after Defendant failed to file a timely opposition under the Civil Local Rules, it gave Defendant one final opportunity to provide any opposition by a date and time certain (*i.e.*, by noon of June 28, 2010). Defendant failed to provide a submission by that date and time. His submission was almost half an hour late.

