IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAVID M. CATHCART, et al.,

Plaintiffs,

v.

SARA LEE CORPORATION, et al.,

Defendants

/

No. C-09-5748 MMC

ORDER VACATING MARCH 18, 2011 HEARING ON PLAINTIFFS' MOTION TO CHANGE TIME; SETTING DEADLINE FOR DEFENDANTS TO FILE RESPONSE TO PLAINTIFFS' MOTION

Before the Court is plaintiffs' "Motion for Order to Control Scheduling of Motion for Summary Judgment and Extend Discovery Cut-off," filed February 4, 2011 and noticed for hearing on March 18, 2011. By the instant motion, plaintiffs seek to extend two deadlines set forth in the Court's November 12, 2010 scheduling order. First, plaintiffs seek an extension of the March 18, 2011 deadline for defendants to file a motion for summary judgment as to the issue of exemptions under Labor Code § 514 and the Motor Carrier Act. Second, plaintiffs seek an extension of the March 1, 2011 deadline to complete discovery with respect to said exemptions.

Under the Local Rules of this District, a motion seeking to "alter[ ] an event or deadline already fixed by the Court," see Civil L. R. 6-1(b), is a "motion to change time," see Civil L.R. 6-3. Opposition to a motion to change time shall be filed "no later than 4 days after receiving the motion," see Civil L.R. 6-3(c), and no hearing on the motion is

conducted, unless the parties are otherwise advised by the Court upon completion of briefing. See Civil L.R. 6-3(d).

Accordingly, in conformity with Civil Local Rule 6-3, the March 18, 2011 hearing on plaintiffs' motion is hereby VACATED, and defendants are hereby DIRECTED to file any response to plaintiffs' motion no later than February 11, 2011. As of February 11, 2011, and unless the parties are otherwise advised, the Court will take the motion under submission.

IT IS SO ORDERED.

Dated: February 8, 2011

MAXINE M. CHESNEY
United States District Judge