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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH ROLING, *et al.*,
Plaintiffs,

No. C-10-0488 EMC

v.

E*TRADE SECURITIES LLC,
Defendant.

**ORDER RE SUR-REPLY; AND
DENYING DEFENDANT’S
ADMINISTRATIVE MOTION TO
CONTINUE**
(Docket No. 104)

Plaintiffs’ motion for leave to amend is currently scheduled for hearing on January 20, 2012. In their reply brief, Plaintiffs indicate that, based on recent events, they wish to include an additional amendment, *i.e.*, to add allegations regarding a “bug” on Defendant’s website. Because this issue was not raised until Plaintiffs’ reply, the Court hereby orders that Defendant file and serve a sur-reply on this limited issue by **January 16, 2012**. The sur-reply shall be no longer than five (5) pages.

The Court also takes this opportunity to address Defendant’s motion to continue the hearing on Plaintiffs’ motion for leave to amend. Defendant asks that Plaintiffs’ motion be continued until February 24, 2012, so that it may be heard on the same day as Defendant’s motion for summary judgment, which it intends to file on January 20, 2012. While there may be some overlap in argument between the two motions, the Court shall not delay a hearing on Plaintiffs’ motion. There is less than complete overlap. The Court also notes that Plaintiffs’ motion for class certification is currently due to be filed on February 10, 2012; thus, delaying the hearing on Plaintiffs’ motion is not

1 practical as a case management matter. Accordingly, Defendant's motion to continue is hereby
2 **DENIED.**¹

3 This order disposes of Docket No. 104.

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5 IT IS SO ORDERED.

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7 Dated: January 10, 2012



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EDWARD M. CHEN
United States District Judge

¹ Because the Court is denying Defendant's motion to continue, the fact that Plaintiffs have not yet filed an opposition to the motion is essentially immaterial.