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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO CULINARY TRUST)
FUNDS, et al.,)
Plaintiff(s),)
v.)
PERSONALITY HOTELS, LLC, et)
al.,)
Defendant(s).)
_____)

No. C10-4436 BZ
BRIEFING ORDER

Defendants have applied for an order extending the briefing schedule. Because the defendants' opposition is due tomorrow, and because plaintiffs' position is well stated in Exhibit B in Mr. Pedhirney's declaration, I find no need for further briefing or argument. **IT IS THEREFORE ORDERED** as follows:

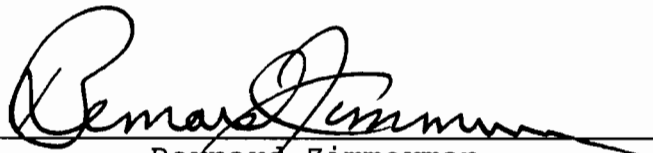
1. Defendants' opposition and cross-motion is due **August 19, 2011**. Plaintiffs' opposition/reply is due **September 2, 2011** and defendant's reply is due **September 9, 2011**. A hearing is scheduled for **September 21, 2011 at 2:00 p.m.**, in Courtroom C, 15th Floor, Federal Building, 450 Golden Gate

1 Avenue, San Francisco, California 94102. While I agree with
2 the plaintiffs that the mediation would be more productive if
3 they have the opportunity to evaluate defendants' counter-
4 arguments to their motion, I expect that to happen after they
5 get defendants' mediation brief. This Order will allow
6 defendants to avoid the cost of preparing a formal opposition
7 and cross-motion, with all of the required supporting
8 documentation, and apply those savings towards settlement.

9 2. We have been unable to locate the chambers copy of
10 plaintiffs' motion. If plaintiff has proof that it was
11 delivered to chambers, it shall produce it immediately;
12 otherwise it should immediately lodge a chambers copy.

13 3. I am troubled by the fact that the parties were
14 unable to agree on a joint statement of undisputed facts. The
15 parties are reminded of their obligations under Section 3 of
16 this Court's Pretrial Scheduling Order. It is unclear why, if
17 defendants made the admissions set forth in the Exhibit A to
18 Mr. Thomas's declaration, the parties were unable to agree to
19 a joint statement of facts, especially on such basic
20 foundational facts as the relationship between defendant
21 Personality Hotels, LLC and the Hotel Diva.

22 Dated: August 3, 2011

23
24 
25 Bernard Zimmerman
26 United States Magistrate Judge

27 G:\BZALL\BZCASES\SF CULINARY V. PERSONALITY HOTELS\ORDER SETTING CROSS MOT
28 FOR SUMMARY JUDGMENT.wpd