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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROY D. NEWPORT, *et al.*,
Plaintiffs/Counter-Defendants,
v.
BURGER KING CORPORATION,
Defendant/Counter-Claimant.

No. C 10-04511 WHA

**ORDER ON MOTION TO
CONTINUE TRIAL AND
VACATING HEARING**

Defendant Burger King Corporation moves for a two week continuance of the January 9, 2012, trial of this action, in order to allow lead Attorney Michael Joblove to attend the wedding events associated with his daughter’s wedding to be held in Florida on January 15. The Newport plaintiffs oppose, expressing a concern that a short postponement of the trial could result in a longer delay, leading to further complications, such as difficulty in securing availability of witnesses.

In order to allow Attorney Joblove to attend the wedding of his daughter in Florida on Sunday, January 15, the Court will at least rearrange the trial schedule so that on January 9, the jury is selected and sent home to return on Tuesday, January 17, for opening statements and the first day of trial. Possibly, the Court will adjust this even more, but for the time being, this is the most relief that seems warranted under the circumstances.

Counsel should be aware that the Court must give priority to criminal cases and there is a high likelihood that the month of January will be consumed by criminal trials and by other civil

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cases already awaiting trial with higher priority for a courtroom than the instant case.
Nonetheless, the Court will try hard to get the instant case to trial in January.

The motion to continue the trial is, to the extent stated above, **GRANTED**. The motion hearing set for 8 a.m. on November 17, 2011, is **VACATED**.

IT IS SO ORDERED.

Dated: November 12, 2011.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE