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

ROY D. NEWPORT, *et al.*,

No. C 10-04511 WHA

Plaintiffs/Counter-Defendants,

v.

**ORDER REGARDING SUMMARY  
JUDGMENT MOTIONS AND  
VACATING HEARING**

BURGER KING CORPORATION,

Defendant/Counter-Claimant,

v.

ANTELOPE VALLEY RESTAURANTS, INC, *et al.*

Counter-Defendants.

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The court is in receipt of the parties' responses to the order to cause why the précis procedure was not followed regarding the filing of the motions for summary judgment (Dkt. No. 372). It was unreasonable for counsel to file so many summary judgment motions, even without taking into account the order dated April, 6, 2011 (Dkt. No. 60). The court will read the motions anyway and will rule on them in due course, but the hearing set for December 8, 2011, is **VACATED**. If the judge believes a hearing is necessary, a new hearing date will be set.

Regarding pretrial submissions, Burger King Corporation is limited to five motions *in limine* totaling forty pages. All other parties combined are likewise limited to five motions *in*

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*limine* totaling forty pages. Each side may append a limited but reasonable number of supporting exhibits. Trial will go forward on the scheduled date.

**IT IS SO ORDERED.**

Dated: December 1, 2011.



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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE