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UNITED STATES DISTRICT COURT
Northern District of California

COMERLIS DELANEY,

Plaintiff,

v.

SIMPLEXGRINNELL L.P.,

Defendant.

No. CV10-05103 MEJ

**ORDER RE DEFENDANT'S
SUMMARY JUDGMENT MOTION**

Defendant's Motion for Summary Judgment (Dkt. No. 22) is **DENIED WITHOUT PREJUDICE** since the parties, as discussed at today's hearing, applied the wrong legal standard in analyzing at least some of Plaintiff's causes of action. If Defendant wishes to refile a dispositive motion, it must do so by **December 15, 2011**. Plaintiff's opposition must be filed by **December 29, 2011**. Defendant's reply, if any, must be filed by **January 6, 2011**. The Court will only schedule a hearing if it deems one necessary. The parties are **ORDERED** to comply with this Court's Standing Order which requires motions for summary judgment to be accompanied by a joint statement of undisputed facts in compliance with Civil Local Rule 56-2(b).

IT IS SO ORDERED.

Dated: December 1, 2011



Maria-Elena James
Chief United States Magistrate Judge