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

COLLETTE DELBRIDGE, individually
and on behalf of others similarly situated,

No. C 11-02575 WHA

Plaintiff,

**ORDER DENYING REQUEST
FOR CONTINUANCE**

v.

KMART CORPORATION,

Defendant.

The Court has read the June 18 letter from plaintiff’s counsel. A letter is not a proper motion, nor is it supported by any sworn declaration.

As for Kmart, the witnesses are under a court order to appear and Kmart shall ensure that they are available on the dates scheduled. The vague statement in paragraph four of the letter is insufficient to warrant a continuance.

As for plaintiff’s counsel, there is no reason why at least one of her counsel cannot be available to cross-examine witnesses at the currently-scheduled hearing. Regarding Mr. Matthew Righetti, the June 18 letter does not state that the family vacation was pre-paid *prior to the June 14 order* setting the Rule 60 evidentiary hearing date, nor was the scheduling issue raised at the June 6 motion hearing. Regarding Mr. Michael Righetti, the letter does not establish that significant expense would be required to modify his plans, nor was this scheduling issue raised at the June 6 hearing. Please remember that one continuance on this has already been granted to plaintiff’s counsel to accommodate Mr. McInerney.

United States District Court
For the Northern District of California

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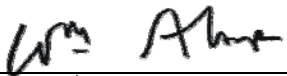
In addition, the alternate dates proposed by the parties cannot be accommodated into the Court's schedule.

On a proper, joint motion made soon and supported by sworn declarations, the Court would consider the alternate dates of July 29–31. Until, if ever, the Court moves the hearing dates, however, the Rule 60 evidentiary hearing remains scheduled for July 2–3 — on pain of denial of the Rule 60 motion.

Please do not send correspondence to the Court on important issues like this in letter format. The letter motion is **DENIED**.

IT IS SO ORDERED.

Dated: June 19, 2013.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE