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United States District Court
For the Northern District of California

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

GARY TSANG,
Plaintiff,
v.
OFFICE DEPOT,
Defendant.

No. C12-00427 CRB

**ORDER GRANTING EX PARTE
APPLICATION TO STRIKE AND TAKE
OFF CALENDAR DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT**

Defendant Office Depot's recently filed Motion for Summary Judgment (dkt. 70) runs counter to this Court's order of December 13, 2013 that Defendant select its "best case" for summary judgment and proceed on it alone. The Court has already ruled upon Defendant's one summary judgment motion. See Minutes (Case No. 12-6263, dkt. 34). The Court set trial in this case for January 20, 2015. See Order Regarding the Trial Date (Case No. 12-6263, dkt. 37). The time for summary judgment has passed. Accordingly, the Court GRANTS Plaintiff's ex parte Application, STRIKES the recently filed Motion for Summary Judgment, and VACATES the hearing currently set for January 16, 2015.

IT IS SO ORDERED.

Dated: November 26, 2014



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE