

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AARON LEWIS,
Plaintiff,
v.
HOME DEPOT U.S.A., INC., *et al.*,
Defendants.

No. C-12-6354 EMC

**ORDER RE SUPPLEMENTAL
BRIEFING FOR PLAINTIFF’S MOTION
FOR LEAVE TO FILE A MOTION FOR
RECONSIDERATION**
(Docket No. 35)

_____ /

Previously, the Court ordered Plaintiff to execute an authorization form permitting the release of information from the Social Security Administration and the Employment Development Department related to Plaintiff’s claims for and receipt of disability benefits. *See* Docket No. 33 (order). Plaintiff has now moved for leave to file a motion for reconsideration. In his motion, Plaintiff maintains that he should granted leave because a material difference in fact exists from that which Defendant presented to the Court – *i.e.*, he did not in fact decline to assist in preparation of a joint discovery letter but rather asked Defendant for time to provide his input until after the mediation in the case was completed. Plaintiff does not address the merits of the underlying discovery dispute between the parties, indicating that he will address the merits in his motion to reconsider (assuming that the Court gives him leave). *See* Mot. at 5 (asking for “an opportunity to be heard” on the issue).


Plaintiff should have addressed the merits in his pending motion. If, *e.g.*, his position on the merits was completely unsubstantiated, then the fact that Defendant allegedly deprived him of his opportunity to participate in the joint letter process would not be material. However, in the interest

1 of justice, the Court shall give Plaintiff an opportunity to address this deficiency. Plaintiff shall have
2 until **August 7, 2013**, to state his substantive position on why the relief sought by Defendant should
3 not be granted. His position should be provided in a letter brief no longer than one-and-a-half
4 single-spaced pages. If the Court requires further briefing and/or a hearing, it shall notify the
5 parties.

6 In the meantime, the Court's order requiring execution of the authorization form is
7 temporarily stayed.

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9 IT IS SO ORDERED.

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11 Dated: August 2, 2013

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14 EDWARD M. CHEN
15 United States District Judge
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