

United States District Court
For the Northern District of California

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

MINNY FRANK,
Plaintiff,
v.
COUNTY OF HUMBOLDT, et al.,
Defendants

No. C 13-0089 MMC

**ORDER SETTING BRIEFING SCHEDULE
ON PLAINTIFF’S MOTION TO AMEND;
CONTINUING HEARING ON
DEFENDANTS’ MOTIONS TO DISMISS**

Before the Court are three motions to dismiss filed, respectively, on February 1, 2013, March 22, 2013, and April 2, 2013, by defendants (1) David Williams and Jennifer Williams, (2) BHC Sierra Vista Hospital (“SVH”) and Paul Hyppolite (“Hyppolite”), and (3) the County defendants,¹ each such motion set for hearing on May 17, 2013. In her opposition to SVH and Hyppolite’s motion, plaintiff, who is proceeding pro se, requests leave to amend her complaint. (See, Opp’n, Doc. No. 44, filed Apr. 4, 2013, at 2:12-16.) Additionally, on April 28, 2013, plaintiff filed a motion to amend her complaint, noticed for hearing on May 17, 2013, and accompanied by a proposed amended complaint in which

¹ The “County defendants” are the County of Humboldt, the Department of Health and Human Services, James Bragg, Christy Reihm, Katherine Young, Keri Schrock, Jery Scardini, Asha George, Chris Starets-foote, Donna Wheeler, Angela Monson and Shelley Nilsen.

1 she has endeavored to address various deficiencies noted by defendants in their respective
2 motions.² Pursuant to the Civil Local Rules of this district, plaintiff's motion cannot be heard
3 on a date earlier than June 7, 2013. See Civil L.R. 7-2(a) (providing motion "must be . . .
4 noticed . . . on the motion calendar of the assigned Judge for hearing not less than 35 days
5 after service").

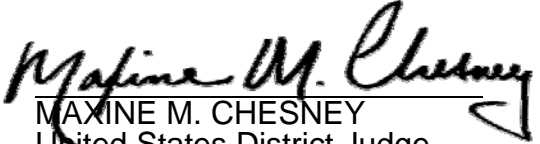
6 In light of the above, the Court hereby SETS the following dates for plaintiff's motion
7 to amend:

- 8 1. Defendants' opposition(s), if any, shall be filed no later than May 17, 2013.
- 9 2. Plaintiff's reply, if any, shall be filed no later than May 24, 2013.
- 10 3. The hearing is hereby scheduled for June 14, 2013, at 9:00 a.m.³

11 In the interests of judicial economy, the hearings on the pending motions to dismiss
12 are hereby CONTINUED to June 14, 2013.

13 **IT IS SO ORDERED.**

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15 Dated: May 3, 2013


MAXINE M. CHESNEY
United States District Judge

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25 ² Had plaintiff filed her motion earlier, she would have been entitled to amend her
26 complaint once as of right. See Fed. R. Civ. P. 15(a)(1)(B) (providing "[a] party may amend
its pleading once as a matter of course within . . . 21 days after service of a motion under
Rule 12(b)").

27 ³ Due do sequestration, all district courts in the San Francisco division will be closed
28 on June 7, 2013.