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UNITED STATES DISTRICT COURT  
Northern District of California  
San Francisco Division

FRANCISCO ESPITIA,

No. C 13-00432 LB

Plaintiff,

v.

**ORDER TO CONTINUE CASE  
MANAGEMENT CONFERENCE  
FROM JULY 11, 2013 TO AUGUST 15,  
2013**

HIPSTER, INC.,

Defendant.

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On January 30, 2013, Plaintiff Francisco Espitia filed a complaint against Defendant Hipster, Inc., a Delaware corporation. Complaint, ECF No. 1.<sup>1</sup> On March 29, 2013, Espitia served the Defendant. Return of Service Executed, ECF No. 6; Motion, ECF No. 9. On May 3, 2013, the court continued the CMC to July 11, 2013, because Hipster had not consented or appeared. Order to Continue, ECF No. 10. The court also ordered both parties to file a joint case management statement by July 3, 2013. *Id.* Then on May 28, 2013, Espitia filed an amended complaint. Amended Complaint, ECF No. 11. Finally, on July 8, 2013, Plaintiffs filed a Notice of Pendency of Other Actions under Civil Local Rule 3-13.<sup>2</sup>

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<sup>1</sup> Citations are to the Electronic Case File (“ECF”) with pin cites to the electronic page number at the top of the document.


<sup>2</sup> Plaintiffs’ Notice indicates that there are similar cases pending in this district. *See* ECF No. 12 (discussing similarities with this case and *Opperman v. Path, Inc. et al.*, No. C 13-453 JST; *Gutierrez v. Instagram, Inc.*, No. C 12-6550 JST; and *Pirozzi v. Apple, Inc.*, No. C 12-1529 JST).

1 Neither party filed a joint case management statement by July 3, 2013. Defendant still has not  
2 answered the Complaint (or the Amended Complaint), or otherwise appeared in this matter.

3 Under the circumstances, the court **CONTINUES** the initial case management conference from  
4 Thursday, July 11, 2013, to Thursday, August 15, 2013, at 11:00 a.m. in Courtroom C, 15th Floor,  
5 U.S. District Court, 450 Golden Gate Avenue, San Francisco, California.

6 **IT IS SO ORDERED.**

7 Dated: July 9, 2013

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10 LAUREL BEELER  
11 United States Magistrate Judge

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23 Civil L.R. 3-13 does not appear to apply in this situation. Local Rule 3-13 applies when there are  
24 similarities between a case and “another action which is pending in *any other* federal or state court.”  
25 Civ. L.R. 3-13(a) (emphasis added). Instead, it appears that Civil Local Rule 3-12 applies. *See* Civ.  
26 L.R. 3-12(b) (rule applies to multiple actions “pending in this District”). If Plaintiffs want the court  
27 to relate these cases, they should file an Administrative Motion to Consider Whether Cases Should  
28 be Related under Civil Local Rule 3-12(b). That motion should be filed in the earliest-filed case,  
which appears to be the *Opperman* matter, No. C 13-453 JST (case filed in March 2012 and later  
transferred to this district).