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UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

WILLIAM SCHWARZ,

No. C13-00977 LB

Plaintiff,

**ORDER REGARDING THE
BRIEFING SCHEDULE AND
HEARING DATE FOR
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT**

v.

UFCW-NORTHERN CALIFORNIA
EMPLOYERS JOINT PENSION PLAN,

[Re: ECF No. 27]

Defendant.

In this case, Plaintiff William Schwarz has sued Defendant UFCW-Northern California Employers Joint Pension Plan to recover disability benefits to which he claims he is entitled. *See generally* Complaint, ECF No. 1. In their first joint case management conference statement, the parties requested larger than usual time periods for the briefing on their summary judgment motions. *See* 5/31/2013 CMC Statement, ECF No. 13 at 7-8. Specifically, they asked that October 15, 2013 be set as the deadline for the parties to file motions for summary judgment, that November 15, 2013 be set as the deadline for oppositions to those motions, and that December 15, 2013 be set as the deadline for replies in support of those motions. *Id.* After the initial case management conference that was held on June 6, 2013, the court set the briefing deadlines that the parties requested (except that the court set the deadline for filing replies on December 16, 2013—one day later than requested—because December 15, 2013 is a Sunday). CMC Order, ECF No. 16 at 2. The court also set January 16, 2014 as the last day for hearing those motions. *Id.*

1 On October 15, 2013, Defendant filed a motion for summary judgment and noticed it for hearing
2 on December 19, 2013. Motion, ECF No. 27. When filing the motion on the court's Electronic
3 Case File ("ECF"), Defendant correctly set the deadline for the opposition on November 15, 2013,
4 but incorrectly set the deadline for the reply on December 12, 2013. As described above, the court
5 previously set the deadline for the reply on December 16, 2013, so the court will reset that deadline
6 within ECF.

7 This corrected reply deadline (and even the incorrect one, frankly), however, does not provide
8 the court much time to review the by-then fully briefed summary judgment motion, which relies
9 upon an extremely large administrative record, before the December 19, 2013 hearing date.
10 Moreover, when the court allowed the parties to have long periods between briefs, the court
11 contemplated having additional time for itself to review those briefs and issue an order on the
12 motion, and as such set the deadline for hearing dispositive motions on January 16, 2014. While
13 Defendant properly noticed its motion for hearing pursuant to Civil Local Rule 7, given the situation
14 described above, the court believes that continuing the hearing from December 19, 2013 to January
15 16, 2014 is appropriate. Accordingly, the court **CONTINUES** the hearing on Defendants' motion
16 for summary judgment from December 19, 2013 to January 16, 2014 at 9:30 a.m. in Courtroom C,
17 15th Floor, United States District Court, 450 Golden Gate Avenue, San Francisco, California,
18 94102.

19 **IT IS SO ORDERED.**

20 Dated: October 31, 2013



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22 LAUREL BEELER
23 United States Magistrate Judge
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