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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CAREFUSION 202, INC.,

No. C-13-2194 EMC

Petitioner,

v.

**ORDER GRANTING RESPONDENT'S
ADMINISTRATIVE MOTION TO STAY
BRIEFING**

TRES TECH CORPORATION,

(Docket No. 25)

Respondent.

Respondent Tres Tech Corporation has filed an administrative motion to stay briefing on Petitioner CareFusion 202, Inc.'s motion to vacate an arbitration award. More specifically, Tres Tech asks for a stay of briefing until its now-on-file motion to dismiss or stay (see Docket No. 27) has been decided. Having considered the parties' briefs and accompanying submissions, the Court hereby **GRANTS** the motion.


The Court acknowledges that a motion to stay is typically not an administrative motion for purposes of Civil Local Rule 7-11. However, under the specific circumstances presented herein, Tres Tech did not act improperly in styling its motion as an administrative motion. In essence, Tres Tech was presented with a somewhat unusual situation. CareFusion initiated this action not with a pleading, *see* Fed. R. Civ. P. 8, but rather with a motion, which the Court construed as a pleading (*i.e.*, petition). Given this situation, it was not clear whether Civil Local Rule 7-3 – which governs the time for the filing of an opposition to a motion – was triggered. In an abundance of caution, Tres Tech asked for a stay of the briefing on the motion – if so construed – so that its motion to dismiss or stay could be resolved first.

1 The Court agrees with Tres Tech that, for purposes of judicial economy, it makes sense to
2 resolve the motion to dismiss or stay first before dealing with the merits of CareFusion’s petition.
3 Furthermore, CareFusion has failed to show that it would be prejudiced in any way by what amounts
4 to a brief delay, as Tres Tech’s motion to dismiss or stay is currently scheduled for hearing on July
5 11, 2013, and nothing is scheduled or pending before the Texas court. Accordingly, Tres Tech’s
6 motion to stay briefing is granted. The Court shall resolve first Tres Tech’s motion to dismiss or
7 stay. If that motion is denied, then CareFusion may file an amended notice of a motion to vacate,
8 which will serve as the trigger for the briefing schedule as provided for by Civil Local Rule 7-3.

9 This order disposes of Docket No. 25.

11 IT IS SO ORDERED.

13 Dated: May 29, 2013

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16 EDWARD M. CHEN
17 United States District Judge
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