IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

WESTPORT INSURANCE CORP.,

Plaintiff,

v.

NORTHERN CALIFORNIA RELIEF, ET AL.,

Defendants.
_____/

No. C14-00312 CRB

ORDER DENYING EX PARTE APPLICATION FOR CONTINUANCE

Defendant Northern California Relief's Ex Parte Application for an Order Continuing the Motion for Partial Judgment on the Pleadings and for an extension of time to file an opposition based thereon (dkt. 49) is hereby DENIED. Defendant urges that the pending Motion for Partial Judgment on the Pleadings should be postponed indefinitely, until a date no earlier than ninety days after the appointment of a discovery magistrate in this case, to allow Defendant to obtain pleadings and filings from underlying lawsuits and request judicial notice thereof. But discovery is irrelevant to a Motion for Partial Judgment on the Pleadings, which by definition rises or falls based on the pleadings filed in this case. The appointment of a magistrate in the discovery process would thereby add nothing necessary to this Court's consideration of the pending Motion. The Court finds, moreover, that Defendant was not diligent in obtaining the documents it alleges to be necessary here. The pleadings and filings that Defendant claims are appropriate subjects for judicial notice were made available by the

recipients of Defendant's subpoenas, and in any event are public records. Having failed to show good cause for an indefinite delay in this litigation, Defendant's request for a continuance and an extension of time to file its opposition is DENIED.

IT IS SO ORDERED.

Dated: September 10, 2014

CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE