

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

EDDIE CANEDO,

Plaintiff,

v.

AVIS BUDGET GROUP INC., et al.,

Defendants.

No. C 14-02921 SI

**ORDER CONTINUING HEARING ON
DEFENDANTS' MOTION TO DISMISS**

Plaintiff initially filed this case in San Mateo County Superior Court on March 28, 2014, and defendants removed the case to this Court on June 25, 2014. Docket No 1. Defendants filed a motion to dismiss on July 1, 2014 with a hearing scheduled for August 8, 2014. Docket No. 13. Due to plaintiff's counsel's plans to be out of the country from July 23, 2014 to August 12, 2014, the parties stipulated to continue the hearing on defendants' motion to dismiss. Docket No. 15. The Court approved the stipulation, and the hearing was continued to August 22, 2014. Docket No. 16. The briefing schedule remained unchanged, with plaintiff's response due July 15, 2014.

Plaintiff's counsel failed to file his response by the briefing deadline and on August 6, 2014, the Court issued a notice inquiring why. Docket No. 17. Plaintiff's counsel filed an opposition to defendants' motion on August 7, 2014. Docket No. 19. However, the opposition fails to address defendants' arguments and states only that the "complaint states sufficient facts to support causes of


1 action against Teamster Local Union 665 for **1) discrimination, 2) retaliation, 3) aiding and abetting,**
2 **and 4) failure to prevent discrimination.**” *Id.* at 3.

3 Plaintiff’s opposition paper memo is unclear as to which issues are in dispute and does not
4 respond to the arguments presented in defendants’ motion to dismiss. It appears that plaintiff’s counsel
5 was unable to draft a complete opposition due to illness and international travel.

6 The Court therefore continues the motion hearing scheduled for August 22, 2014 to **September**
7 **19, 2014. Plaintiff’s counsel is directed to submit an opposition to defendants’ motion to dismiss**
8 **by August 27, 2014. The Court directs plaintiff’s counsel to specifically respond to each**
9 **challenged allegation. Defendants’ reply must be filed by September 3, 2014.**

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11 **IT IS SO ORDERED.**

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13 Dated: August 8, 2014

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16 SUSAN ILLSTON
17 UNITED STATES DISTRICT JUDGE
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