

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

PAUL LINDER,)	Case No. 14-CV-03861 SC
)	
Plaintiff,)	ORDER DENYING PLAINTIFF'S
)	ADMINISTRATIVE MOTION TO
v.)	<u>SHORTEN TIME</u>
)	
GOLDEN GATE BRIDGE, HIGHWAY &)	
TRANSPORTATION DISTRICT, a Special)	
District; LISA LOCATI individually)	
and as Bridge Captain of the)	
District, and DOES 1 to 10,)	
)	
Defendants.)	
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)	

Now before the Court is Plaintiff Paul Linder's administrative motion for an order to shorten time for hearing and briefing. ECF No. 22 ("Mot."). Defendants Golden Gate Bridge, Highway & Transportation District and Lisa Locati ("Defendants") oppose. ECF No. 23 ("Opp'n"). The motion is DENIED.

These motions arise out of Plaintiff's parallel motion for leave to file an untimely opposition to Defendants' motion to dismiss. ECF No. 21 ("Mot. for Leave"). In that motion, Plaintiff states he failed to calendar the correct opposition date after this

1 matter was reassigned from Magistrate Judge Westmore to the
2 undersigned, and accordingly missed the deadline to oppose the
3 motion. ECF Nos. 15 ("Reassignment"); 16 ("MTD"). Plaintiff has
4 moved for leave to file an untimely opposition to Defendants'
5 motion to dismiss, arguing that his neglect in failing meet the
6 applicable deadline was excusable. See Pioneer Inv. Serv. Co. v.
7 Brunswick Assocs. Ltd. P'ship, 507 U.S. 380, 395 (1993).

8 Now, pursuant to Civil Local Rule 7-11, Plaintiff seeks to
9 shorten the time for hearing and briefing that motion.
10 Specifically, Plaintiff seeks an order setting the deadline for
11 Defendants to oppose the motion for November 17, 2014, with a
12 hearing to come on Friday, November 21, 2014. Plaintiff apparently
13 believes this is necessary because "Defendant's Motion to Dismiss
14 Plaintiff's Complaint is currently noticed for hearing December 4,
15 2014, eight days prior" to the first available date for hearing
16 Plaintiff's motion for leave to file an untimely opposition. Mot.
17 at 3.

18 First, Plaintiff's counsel is clearly still confused about
19 what dates govern this action, and would be wise to revisit the
20 order reassigning the case to the undersigned as well as the Civil
21 Local Rules. As both the reassignment order and the associated
22 clerk's notice state "[a]ll dates presently scheduled are vacated
23 and motions should be renoticed for hearing before the judge to
24 whom the case has been reassigned." Reassignment at 1 (emphasis
25 added); see also ECF No. 14 ("Clerk's Notice") ("ALL HEARING DATES
26 PRESENTLY SCHEDULED BEFORE THE CURRENT MAGISTRATE JUDGE ARE VACATED
27 . . .") (emphasis in original). Defendants' counsel complied
28

1 with this order, and renoticed the hearing on the motion to dismiss
2 for Friday, December 5, 2014. ECF No. 16 ("Renotice").

3 Second, on the merits of Plaintiff's motion to shorten time,
4 Defendants are right. Specifically, Plaintiff's motion to shorten
5 time is procedurally improper. Civil Local Rule 7-11 permits the
6 filing of administrative motions seeking only relief "not otherwise
7 governed by a . . . local rule" Civil Local Rule 6-3 sets
8 forth the applicable standard for "[a] motion to enlarge or shorten
9 time" Civ. L.R. 6-3. Because, Plaintiff's motion does not
10 comply with the Local Rules it is DENIED.

11 To avoid future confusion, the Court will set a specific
12 briefing and hearing schedule for these motions. In doing so, the
13 Court expresses no opinion on Plaintiff's motion for leave to file
14 an untimely opposition brief, and may, depending on the merits of
15 that motion, treat the motion to dismiss as unopposed.
16 Nonetheless, to facilitate the orderly resolution of these matters,
17 the Court hereby ORDERS that the briefing and hearing of these
18 motions shall be governed by the following schedule:

- 19 • No later than Wednesday, November 26, 2014, Plaintiff shall
20 file his opposition to Defendants' motion to dismiss.
- 21 • No later than Wednesday December 3, 2014, Defendants shall
22 file any reply in support of their motion to dismiss.
- 23 • The briefing of the motion for leave to file an untimely
24 opposition to Defendants' motion to dismiss shall be
25 governed by the schedule noticed with the motion, ECF No.
26 21. Accordingly, no later than Wednesday, November 26,
27 2014, Plaintiff shall file any reply in support of the
28 motion.

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- Hearings on both Defendants' motion to dismiss and Plaintiff's motion to file an untimely opposition to the motion to dismiss shall be set for Friday, December 12, 2014 at 10:00 AM in Courtroom 1, 17th Floor, 450 Golden Gate Avenue, San Francisco, CA 94102.

IT IS SO ORDERED.

Dated: November 20, 2014


UNITED STATES DISTRICT JUDGE