

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

YANA ZELKIND,
Plaintiff,
v.
FLYWHEEL NETWORKS, INC.,
Defendant.

Case No. [15-cv-03375-WHO](#)

**ORDER REGARDING DEFENDANT'S
MOTION TO COMPEL
ARBITRATION, OR, IN THE
ALTERNATIVE, STAY OF
PROCEEDINGS PENDING
COMPLETION OF ARBITRATION**

Re: Dkt. No. 23

On August 21, 2015, defendant Flywheel Networks, Inc. filed a Motion to Compel Arbitration and Dismiss Plaintiff's Complaint, or, in the Alternative, Stay of Proceedings Pending Completion of Arbitration. Dkt. No. 23. On September 12, 2015, plaintiff Yana Zelkind filed her response to Flywheel's motion, eight days after the expiration of the fourteen day window provided by Civil Local Rule 7-3. Dkt. No. 30. Flywheel's subsequent reply argued only that Zelkind's failure to file a timely opposition should be considered a waiver of any objection to Flywheel's motion. Dkt. No. 31.

Plaintiff's counsel has yet to explain why the opposition was tardy or otherwise to show good cause for non-compliance with the Local Rules, or that he nonetheless requests that I consider his opposition when ruling on plaintiff's motion. He shall file a declaration requesting such relief no later than September 21, 2015. In the event that I consider the arguments made in Zelkind's opposition brief on the merits, Flywheel may submit a substantive reply addressing the merits of Zelkind's response by September 24, 2015.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

In order to accommodate this extended timeline, the hearing on this motion is continued to
October 7, 2014 at 2:00pm.

IT IS SO ORDERED.

Dated: September 17, 2015



WILLIAM H. ORRICK
United States District Judge