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United States District Court  
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STEVEN K BUSTER,  
Plaintiff,

No. C 16-01146 WHA

v.

COMPENSATION COMMITTEE OF  
THE BOARD OF DIRECTORS OF  
MECHANICS BANK, MECHANICS  
BANK SUPPLEMENTAL EXECUTIVE  
RETIREMENT PLAN, MECHANICS  
BANK, a California Corporation,

**ORDER DENYING PLAINTIFF'S  
REQUEST TO ADJUST  
SCHEDULE FOR DEFENDANTS'  
MOTION FOR SUMMARY  
JUDGMENT**

Defendants.

In June 2016, the scheduling order in this ERISA action set a deadline of August 31 for defendants to file a motion for summary judgment “to tee up the full case and overall scope of review.” On August 31, nearly a week after an order denied defendants’ motion to dismiss, defendants filed their motion for summary judgment on plaintiff’s claim for denial of benefits as well as both claims for equitable relief. More than one week later, and three months after the scheduling order issued, plaintiff now seeks to hold in abeyance consideration of defendants’ motion for summary judgment as to the equitable relief claims until after plaintiff has filed a cross-motion for summary judgment on the claim for denial of benefits and after that claim is decided.


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Plaintiff knew that he could face a motion for summary judgment on all of his own claims, not just the denial of benefits claim, simultaneously at the time of the scheduling order, but waited until the last minute to seek relief from that schedule. As ordered, defendants teed up the full case in their motion for summary judgment. Plaintiff must timely respond to that motion.

This order is without prejudice to the possibility that the Court may choose to consolidate the *hearings* on defendants' motion and plaintiff's potential cross-motion for the sake of judicial economy.

**IT IS SO ORDERED.**

Dated: September 13, 2016.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE