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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TRI MINH HUYNH,
Plaintiff,
v.
WAL-MART ASSOCIATES, INC., et al.,
Defendants.

Case No. [18-cv-01631-VC](#) (SK)

**REPORT AND RECOMMENDATION
REGARDING DEFENDANTS'
PROPOSED AMENDED BRIEFING
SCHEDULE**

Regarding Docket No. 101

On August 12, 2019, Defendants filed a proposed amended briefing schedule for their anticipated motion for summary judgment. The Court RECOMMENDS that the District Court adopt the proposed amended briefing schedule.

Currently, the schedule is as follows:

- Defendants' Motion and Opening Brief: August 15, 2019
- Plaintiff's Response Brief: September 5, 2019
- Defendants' Reply Brief: September 16, 2019
- Motion Hearing: October 10, 2019

The proposed amended schedule is as follows:

- Defendants' Motion and Opening Brief: August 29, 2019
- Plaintiff's Response Brief: September 19, 2019
- Defendants' Reply Brief: October 10, 2019
- Motion Hearing: To Be Decided

The main reason for this recommendation is that Defendants have not been able to take the deposition of Plaintiff, despite the fact that Defendants issued a notice of deposition for a date

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before the discovery deadline and despite Defendants’ repeated efforts to meet and confer with Plaintiff about a date for his deposition. The undersigned originally ordered that the deposition take place before August 8, 2019, but Plaintiff claimed that he was unable to attend a deposition either because of illness or the death of a close friend. The undersigned then ordered that Plaintiff appear for a deposition by August 20, 2019. Given these delays, Defendants are at a significant disadvantage in preparing their motion(s) for summary judgment. For this reason, the undersigned RECOMMENDS that the District Court adopt the proposed amended schedule above.

IT IS SO ORDERED.

Dated: August 13, 2019



SALLIE KIM
United States Magistrate Judge