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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

FREECYCLESUNNYVALE, a California
unincorporated association,

No. C 06-00324 CW

Plaintiff/Counterclaim-
Defendant,

ORDER GRANTING AS
MODIFIED THE
PARTIES'
STIPULATED
REQUEST FOR ORDER
CHANGING TIME
(DOCKET NO. 79)

v.

THE FREECYCLE NETWORK, INC., an
Arizona corporation,

Defendant/Counterclaimant.

_____ /

Plaintiff and Counterclaim-Defendant FreecycleSunnyvale has noticed a motion for summary judgment, or in the alternative for summary adjudication, for August 23, 2007. The parties now seek to change the hearing date to September 6, 2007. According to the schedule requested in the parties' July 17, 2007 stipulation seeking an extension of time, fact discovery is not scheduled to be completed until November 1, 2007 and the cut-off date for case dispositive motions is not until February 28, 2008.¹

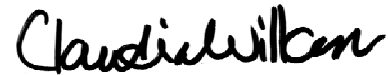
Absent good cause, the Court prefers to consider all summary

¹In a separate order, the Court adopted the parties' stipulated revised schedule.

1 judgment motions and cross-motions at the same time. If Defendant
2 is prepared to submit its motion for summary judgment as a cross-
3 motion to Plaintiff's motion it may do so in a combined opposition
4 and cross-motion filed on August 9, 2007; Plaintiff shall file an
5 opposition and reply by August 16, 2007; Defendant shall file a
6 surreply by August 23, 2007; and the hearing on the cross-motions
7 for summary judgment will be held on September 6, 2007. Otherwise,
8 Plaintiff shall re-notice its motion for summary judgment for
9 hearing on February 28, 2008, or an earlier date on which both
10 parties agree.

11 IT IS SO ORDERED.

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13 Dated: 7/30/07



14 CLAUDIA WILKEN
15 United States District Judge
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