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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SPEEDTRACK, INC.,
Plaintiff,
v.
AMAZON.COM, INC., et al.,
Defendants.

Case No. [4:09-cv-04479-JSW](#) (KAW)

**ORDER TO SHOW CAUSE; ORDER
CONTINUING FEBRUARY 7, 2019
HEARING**

Re: Dkt. No. 350

On January 3, 2019, SpeedTrack, Inc. filed a motion for sanctions against Defendant Barnes & Noble Booksellers, Inc. based on violations of the undersigned’s July 6, 2018 order pertaining to source code production. (Dkt. No. 347.) On January 18, 2019, the Court granted the parties’ request to extend the briefing schedule, such that Barnes & Noble’s opposition would be due on January 21, 2019, while maintaining SpeedTrack’s January 24, 2019 deadline to file its reply. (Dkt. No. 350 at 2.)

To date, Barnes & Noble has not filed an opposition or notice of non-opposition. Pursuant to the undersigned’s standing order, “[t]he failure of the opposing party to file a memorandum of points and authorities in opposition to any motion shall constitute consent to the granting of the motion.” (Judge Westmore’s General Standing Order ¶ 22.)

Accordingly, Barnes & Noble is ordered, on or before February 8, 2019, 1) to file an opposition or statement of non-opposition to the motion for sanctions, and 2) to file a response to this order to show cause explaining why it did not file a timely opposition pursuant to the agreed upon briefing schedule. SpeedTrack may file a reply within 7 days should an opposition be filed.

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Additionally, the February 7, 2019 hearing date is continued to March 7, 2019.

IT IS SO ORDERED.

Dated: January 28, 2019


KANDIS A. WESTMORE
United States Magistrate Judge