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5 UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
7 OAKLAND DIVISION
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9 PATRICK DUNKIN, et al.,

10 Plaintiff,

11 vs.

12 A.W. CHESTERSON CO., et al.,

13 Defendants.
14

Case No: C 10-458 SBA

**ORDER DENYING PLAINTIFFS'
MOTION FOR CLARIFICATION OF
ORDER GRANTING IN PART
PLAINTIFFS' MOTION FOR
ORDER SHORTENING TIME**

Docket 39

15 Defendants removed the instant action from state court on February 2, 2010, on the
16 basis of diversity jurisdiction. On February 9, 2010, Plaintiffs filed a motion to remand which
17 they noticed for March 16, 2010. At the same time, Plaintiffs also filed a motion for an order
18 shortening time to have the motion to remand set for hearing on March 2, 2010, instead of
19 March 16, 2010. Neither March 16 nor March 2 was an available hearing date on the Court's
20 calendar. Thus, on February 17, 2010, the Court granted, in part, Plaintiffs' motion for an
21 order shortening time in which it declined to schedule the motion for hearing on March 2,
22 2010, but instead, set an accelerated briefing schedule for the opposition and reply.


23 Plaintiffs have now filed a Motion for Clarification of Order Granting in Part Plaintiffs'
24 Motion for Order Shortening Time. Apparently, Plaintiffs take exception to the fact that the
25 Court's briefing schedule set by the Court in its February 17, 2010 Order is the same schedule
26 that would have been applicable had the motion been heard on March 16, 2010. The flaw in
27 Plaintiffs' reasoning is that at the time Plaintiffs filed their motion to remand, the March 16,
28 2010 hearing date was not available on the Court's calendar. Had Plaintiffs checked the

1 Court's website, they would have realized this. Thus, absent the briefing schedule imposed by
2 the Court, the matter would not be heard until after March 16, 2010 and the briefs would have
3 been due later than the dates ordered by the Court. This information should have been readily
4 apparent to Plaintiffs. Accordingly,

5 IT IS HEREBY ORDERED THAT Plaintiffs' Motion for Clarification of Order
6 Granting in Part Plaintiffs' Motion for Order Shortening Time is DENIED AS MOOT. This
7 Order terminates Docket 39.

8 IT IS SO ORDERED.

9 Dated: March 16, 2010


SAUNDRA BROWN ARMSSTRONG
United States District Judge

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