

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

3
4 UNITED STATES COMMODITY FUTURES
5 TRADING COMMISSION,

6 Plaintiff,

7 v.

8 JAMES D. CROMBIE,

9 Defendant.

No. C 11-4577 CW

ORDER ADDRESSING
VARIOUS MATTERS

10 _____/

11 Plaintiff United States Commodity Futures Trading Commission
12 moves for leave to file a motion for summary judgment not
13 exceeding twenty-eight pages. Having considered the papers
14 submitted by Plaintiff, the Court GRANTS Plaintiff's motion
15 (Docket No. 231) and further GRANTS Defendant James D. Crombie a
16 corresponding page increase in his opposition and cross-motion, as
17 set forth in the table below. Accordingly, Defendant's motion to
18 strike Plaintiff's motion for summary judgment for violation of
19 the page limit set forth in Civil Local Rule 7-4 is DENIED as moot
20 (Docket No. 235). The Court also GRANTS Plaintiff's motion to
21 file a proposed order (Docket No. 237).

22 The Court STRIKES Defendant's motion for summary judgment and
23 its supporting material (Docket Nos. 202 through 230) as violating
24 the case management order in this case and VACATES the November
25 15, 2012 hearing date. The case management order provides that
26 Plaintiff's opening motion for summary judgment was due on October
27 11, 2012 and that Defendant would file his opposition to
28 Plaintiff's motion and his own cross-motion for summary judgment,

1 all contained in a single brief, on November 15, 2012. See Docket
2 No. 67. It further set December 20, 2012 as the deadline to hear
3 case dispositive motions. Id. In addition, Defendant's separate
4 statement of undisputed facts (Docket No. 203) is also STRICKEN
5 for violation of Civil Local Rule 56-2(a), which provides that no
6 such statement may be submitted without a Court order to do so.
7 Defendant may re-file his motion for summary judgment in a single
8 brief with his opposition to Plaintiff's motion, as provided in
9 the scheduling order, and subject to the schedule and page limits
10 set forth in the table below, as well as his supporting materials,
11 except that Defendant shall not re-file his separate statement of
12 undisputed facts.

13 The Court TAKES UNDER SUBMISSION Defendant's motions for
14 leave to file counterclaims and third-party complaints on the
15 papers (Docket Nos. 191 and 194). The hearing currently set for
16 Thursday, October 25, 2012 at 2:00 p.m. is VACATED. Accordingly,
17 Defendant's motion to appear by telephone at the October 25, 2012
18 and November 15, 2012 hearings is DENIED as moot (Docket No. 233).

19 The current schedule for dispositive motions and page limits
20 for briefs is CONFIRMED as follows:

21 22 23	Plaintiff's motion for summary judgment, in a brief of twenty-eight pages or less, is due	October 11, 2012 (already filed as Docket No. 234)
24 25 26	Defendant's opposition to Plaintiff's motion and his cross-motion for summary judgment, both contained in a single brief of twenty-eight pages or less, is due	November 15, 2012

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Plaintiff's reply in support of its motion and its opposition to Defendant's cross-motion, both contained in a single brief of fifteen pages or less, is due	November 29, 2012
Defendant's reply in support of his motion, in a brief of fifteen pages or less, is due	December 6, 2012
Joint or separate case management statements are due	December 13, 2012
Hearing on the cross-motions for summary judgment and further case management conference to be held	December 20, 2012 at 2:00 p.m.

IT IS SO ORDERED.

Dated: 10/12/2012


CLAUDIA WILKEN
United States District Judge