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

DIAMOND STATE INSURANCE COMPANY,

Plaintiff,

v.

MARIN MOUNTAIN BIKES, INC.; and
ATB SALES LIMITED,

Defendants.

No. C 11-5193 CW

ORDER REGARDING
PLAINTIFF'S MOTION
FOR SUMMARY
JUDGMENT (Docket
No. 60)

AND ALL RELATED COUNTERCLAIMS

Plaintiff Diamond State Insurance Company has filed a motion for summary judgment on its claims against Defendant Marin Mountain Bikes, or in the alternative, to dismiss its complaint without prejudice, and has noticed its motion for hearing on February 14, 2013. Docket No. 60.¹ Pursuant to the parties' stipulation, the Court previously set May 7, 2013 as the deadline to hear all case-dispositive motions. Docket Nos. 58, 59.

The Court prefers to hear all case-dispositive motions at one time, absent a good reason to do otherwise. Plaintiff's motion may be heard on the date noticed as long as Defendant is prepared to oppose it and neither party intends to file another case-dispositive motion to be heard at a later date. The parties shall meet and confer about the schedule and file an appropriate motion under L.R. 7-11 if they are unable to agree.

¹ On May 18, 2012, Plaintiff voluntarily dismissed its claims against Defendant ATB Sales Limited. Docket No. 31.

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If Defendant wishes to file a cross-motion for summary judgment, it shall include the cross-motion in its opposition to Plaintiff's motion. If Defendant files such a cross-motion with its opposition, the motion hearing will be continued to Wednesday, March 7, 2013, Plaintiff shall include its opposition to Defendant's cross-motion in its reply in support of its own motion, which shall be filed one week later, and Defendant shall file a reply in support of its cross-motion one week thereafter.

IT IS SO ORDERED.

Dated: 1/14/2013


CLAUDIA WILKEN
United States District Judge