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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARLON WHITMORE,

Plaintiff,

v.

TIMOTHY WILHELM, et al.,

Defendants.

No. C 13-1408 PJH

**ORDER TO SHOW CAUSE RE
CROSS-MOTION FOR SUMMARY
JUDGMENT**

On September 30, 2013, the court issued a case management and pretrial order in this case. See Dkt. 27. In that order, the court set a deadline of September 10, 2014 for dispositive motions to be heard. Civil Local Rule 7-2 requires that “all motions must be filed, served, and noticed in writing on the motion calendar of the assigned Judge for hearing not less than 35 days after service of the motion.” Thus, any motion to be heard on September 10, 2014 was required to be filed no later than August 6, 2014.

On August 20, 2014, two weeks after the August 6 deadline, defendants Charles Blount and Joseph Horsman (“defendants”) filed a cross-motion for summary judgment, without any request for leave to extend the court-ordered deadline or even any explanation as to why the motion was filed two weeks late. See Dkt. 58. Defendants noticed the hearing for September 10, 2014, only 21 days after the motion’s filing (instead of the 35 days required by Local Rule 7-2), and set plaintiff’s opposition deadline as August 27, 2014, only seven days after the motion’s filing (instead of the 14 days required by Local Rule 7-3).

Accordingly, the court ORDERS defendants Blount and Horsman to SHOW CAUSE as to why their motion should not be stricken as untimely. Defendants shall have until

1 **12:00 noon on August 25, 2014** to respond to this order.

2 **IT IS SO ORDERED.**

3 Dated: August 21, 2014



PHYLLIS J. HAMILTON
United States District Judge

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