

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THOMAS E. PEREZ, SECRETARY OF
LABOR,

Plaintiff,

v.

SAN MIGUEL HOMES FOR THE
ELDERLY, LLC, et al.,

Defendants.

Case No. [15-cv-05556-DMR](#)

**ORDER ON PLAINTIFF'S MOTION
FOR AN ORDER SHORTENING TIME**

Re: Dkt. No. 18

The court has received Plaintiff’s motion for an order shortening time on his motion for leave to file an amended complaint, and Defendants’ opposition thereto. [Docket Nos. 18, 19.] Plaintiff’s motion for an order shortening time does not comply with Civil Local Rule 6-3(a) and may therefore be denied on that basis.¹ However, the court finds that it would be more efficient to hear Plaintiff’s motion for leave to file an amended complaint concurrently with Defendants’ motion to dismiss, which is set for hearing on February 25, 2016. Accordingly, Plaintiff’s motion for an order shortening time is granted in part. The February 25, 2016 hearing on Defendants’ motion to dismiss is VACATED. The court will hear Defendants’ motion to dismiss and Plaintiff’s motion for leave to file an amended complaint together on **March 10, 2016 at 11:00 a.m.** Any opposition to Plaintiff’s motion is due by February 22, 2016, and any reply is due by

¹ Specifically, Plaintiff failed to briefly summarize the position each party had taken with respect to the motion for leave to file an amended complaint and failed to describe the effect the requested time modification would have on the schedule for the case, in violation of Civil Local Rules 6-3(a)(4)(ii) and 6-3(a)(6). Defendants argue that Plaintiff was also required to describe his compliance with Civil Local Rule 37-1(a), and that Plaintiff failed to meet and confer with defense counsel prior to filing his motion. However, Rule 37-1(a) applies to motions to compel disclosure or discovery; therefore, it is inapplicable to the present motion. See N.D. Cal. Civ. L.R. 6-3(a)(4)(i) (moving party must “[d]escribe[] the moving party’s compliance with Civil L.R. 37-1(a), where applicable” (emphasis added)).

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February 26, 2016.

IT IS SO ORDERED.

Dated: February 16, 2016

