

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

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4 DARRYL WAYNE SCHILLING,
5 Plaintiff,
6 v.
7 GARY LOREDO, et al.,
8 Defendants.

Case No. [17-cv-04054-YGR](#) (PR)

**ORDER GRANTING DEFENDANTS'
MOTION FOR SECOND EXTENSION OF
TIME TO FILE DISPOSITIVE MOTION;
AND DENYING AS MOOT PLAINTIFF'S
MOTION FOR EXTENSION OF TIME FOR
DEPOSITION**

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10 Before the Court is Plaintiff's "Request for Extension of Time for Deposition and
11 Production of Documents," in which he has requested an extension of time for his deposition by
12 Defendants so that he can bring documents with him to the deposition and request the production
13 of documents to him. Dkt. 21. Also before the Court is Defendants' motion for a second
14 extension of time to file a dispositive motion. Dkt. 25.

15 The Court first notes that the record shows that Plaintiff's deposition has already taken
16 place. Dkt. 24 at 2. Defendants have informed the Court that during the deposition, "the parties
17 discussed Plaintiff's request for an extension of time, discovery issues, and other aspects of this
18 litigation." *Id.* They stated that "[b]ecause Plaintiff's deposition has already been conducted to
19 the parties' satisfaction, Plaintiff's request is moot." *Id.* To date, Plaintiff has not filed a response
20 to Defendants' aforementioned statements. Therefore, the Court construes his lack of a response
21 as his concession that his request is now moot. Accordingly, the Court DENIES as moot
22 Plaintiff's "Request for Extension of Time for Deposition and Production of Documents." Dkt.
23 21.

24 Secondly, Defendants have moved for a second extension of time, through September 25,
25 2018, to file a dispositive motion. The Court has read and considered Defendants' motion and the
26 accompanying declaration of counsel and, good cause appearing, Defendants' requested *brief*
27 extension of time is GRANTED. Defendants shall file their dispositive motion no later than
28 **September 25, 2018.**

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Plaintiff's opposition to Defendants' dispositive motion shall be filed with the Court and served on Defendants no later than **sixty (60) days** from the date Defendants' motion is filed.

Defendants' reply brief shall be filed no later than **twenty (28) days** after Plaintiff's opposition is filed on the Court's electronic filing system. The motion shall be deemed submitted as of the date the reply brief is due. No hearing will be held on the motion unless the Court so orders at a later date.

The Court notes that this is Defendants' second extension in this case. The granting of regular requests for extension should not be expected.

This Order terminates Docket Nos. 21 and 25.

IT IS SO ORDERED.

Dated: September 17, 2018


YVONNE GONZALEZ ROGERS
United States District Judge