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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JODY DIANE KIMBRELL,
Plaintiff,
v.
TWITTER INC.,
Defendant.

Case No. 18-cv-04144-PJH

**ORDER RE ADMINISTRATIVE
MOTION TO CONTINUE CMC**

Re: Dkt. No. 23

On September 28, 2018, defendant Twitter Inc. filed its administrative motion to continue the Initial Case Management Conference and related deadlines. Plaintiff Jody Kimbrell timely opposed that motion on October 1, 2018.

This court's initial scheduling order, issued on July 11, 2018, set the Initial CMC for October 25, 2018. Dkt. 2. The same order requires the parties to meet and confer regarding discovery and ADR by October 4, 2018. Id. It also requires the parties to file their ADR certification by the same date. Id.

Defendant contends that these CMC-related deadlines should be continued until after the court rules on defendant's motion to dismiss, which defendant anticipates filing on October 9, 2018. In one sense, defendant's request is not unusual. This court frequently vacates initial CMCs and related deadlines until after it resolves any pending motions to dismiss. Here, however, there is no motion to dismiss pending. Defendant's request is instead based on its "anticipated" motion to dismiss. For that reason, the court DENIES defendant's motion without prejudice.

In light of defendant's deadline to answer occurring after the October 4, 2018 deadline discussed above, the court CONTINUES the October 4, 2018 deadline to

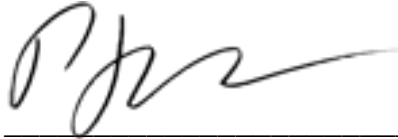
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October 11, 2018. If defendant files a motion to dismiss on or before October 9, 2018, then the court will vacate the Initial CMC and all related deadlines pending resolution of that motion.

There is also a second motion pending before this court: Plaintiff's motion to compel. That motion, filed on September 26, 2018, seeks an order compelling defendant to comply with its meet and confer obligations, as set forth in this court's July 11, 2018 order. Specifically, plaintiff asserts that defendant failed to respond to plaintiff's attempts to meet and confer prior to the October 4, 2018 deadline. Plaintiff's motion is untimely. The October 4, 2018 deadline has not yet passed. Accordingly, the court takes plaintiff's motion off calendar and VACATES the related briefing schedule until after the Initial CMC date and related deadlines are settled and, if appropriate, have passed.

IT IS SO ORDERED.

Dated: October 1, 2018



PHYLLIS J. HAMILTON
United States District Judge