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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

LOS ALTOS EL GRANADA INVESTORS,))
)
Plaintiff,)
)
v.)
)
CITY OF CAPITOLA, et al.,)
)
Defendants.)
_____)

Case No.: CV 04-05138 JF (PSG)
**ORDER MODIFYING BRIEFING
SCHEDULE**
(Re: Docket No. 134 and 143)

On February 16, 2011, the court granted Dr. Kenneth Baar’s motion to shorten time and stayed Dr. Baar’s deposition pending the court’s ruling on the motion to quash. The court also set an accelerated briefing schedule, which did not permit Dr. Baar to file a reply brief.

On February 17, 2011, Dr. Baar filed a letter requesting an opportunity to file a reply brief. Dr. Baar cites Civ. L.R. 7-3(c) for the proposition that a moving party is allowed to file a reply. Civ. L.R. 7-3(c), however, merely states requirements for a reply if a reply is otherwise permitted; it does not provide that any party has the right to reply.

Dr. Baar also suggests that the date of the hearing could be postponed to allow for adequate time to reply. The court, however, set the current hearing date based on Dr. Baar’s contention that shortened time was necessary. In light of the accelerated schedule, the court also granted Dr. Baar’s request to stay the deposition to allow time to resolve the motion to quash. The court will not allow that stay to justify postponing the date of the hearing. In consideration, however, of Dr. Baar’s request to have an

ORDER

1 opportunity to reply,

2 IT IS HEREBY ORDERED that Dr. Baar shall file reply papers no later than February 25, 2011.

3 Dated: February 18, 2011

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5 PAUL S. GREWAL
6 United States Magistrate Judge

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ORDER