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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Richard Randall,

NO. C 05-03707 JW

Plaintiff(s),

**ORDER CONTINUING HEARING DATE
FOR PENDING MOTIONS; REFERRING
PARTIES TO MAGISTRATE JUDGE**

v.

Medtronic Inc., O'Connor Hospital,

Defendant(s).

Defendant Medtronic Inc. ("Medtronic") removed this action on September 14, 2005. The following day, Medtronic filed a motion for judgment on the pleadings, and noticed the motion for hearing on October 24, 2005. The next day, Medtronic filed a motion for summary judgment and similarly noticed the motion for hearing on October 24, 2005. On September 20, 2005, Plaintiff Richard Randall ("Randall") filed a motion to remand and noticed the motion for hearing on October 31, 2005.

Presently before the Court is Randall's motion to enlarge the time to file oppositions to Medtronic's two motions, and to shorten the deadline for the parties to confer as required by Rule 26(f), Fed.R.Civ.P. Medtronic has filed an opposition to the motion.

Having reviewed the papers, the Court orders as follows. For the sake of judicial economy, Medtronic's two motions and Plaintiff's motion are all tentatively continued to December 12, 2005, 9:00 a.m. The request to shorten the deadline for the parties to confer as required by Rule 26(f), as well as any and all discovery disputes, are referred to Magistrate Judge Seeborg. If Magistrate Judge Seeborg determines that Randall must engage in discovery before responding to any of the motions and

1 that such discovery cannot be completed consistent with the December 12, 2005 hearing date and
2 briefing schedule, Magistrate Judge Seeborg may, in his discretion, issue an order resetting any or all
3 of the motions to a later date.

4 Dated: September 27, 2005

5 05cv3707misc

/s/James Ware
JAMES WARE
United States District Judge

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1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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10 **Dated: September 28, 2005**

Richard W. Wieking, Clerk

11 **By: /s/JW Chambers**
12 **Ronald L. Davis**
13 **Courtroom Deputy**

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