(JFLC2)

1 2 **E-Filed 9/3/2009** 3 4 5 6 7 8 IN THE UNITED STATES DISTRICT COURT 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA 10 SAN JOSE DIVISION 11 Case Number C 07-2300 JF (HRL) 12 TRACIE LYTHGOE, et al., Plaintiffs, ORDER RE PLAINTIFFS' MOTION 13 FOR EXTENSION OF TIME TO FILE OPPOSITION TO MOTION FOR 14 v. SUMMARY JUDGMENT; BANK OF THE WEST, et al., VACATING THE HEARING DATE; 15 AND DIRECTING THE PARTIES TO Defendants. MEET AND CONFER RE A NEW 16 **HEARING DATE** 17 18 [re: docket no. 64] 19 20 On August 31, 2009, Plaintiffs filed a motion for extension of time to file opposition to 21 Defendants' motion for summary judgment, currently set for hearing on September 25, 2009. 22 Plaintiffs request leave to file their opposition one week later than the time provided by the Civil 23 Local Rules, and propose that Defendants file their reply one week later as well, with the result 24 that briefing would be completed one week prior to the hearing date. Defendants oppose 25 Plaintiffs' motion on the ground that Defendants' counsel has set aside time to prepare the reply 26 during the week it ordinarily would be due, and is unavailable to prepare the reply the following 27 week. 28 Case No. C 07-2300 JF (HRL)

ORDER RE PLAINTIFFS' MOTION FOR EXTENSION OF TIME TO FILE OPPOSITION ETC.

The Court finds the positions take by both sides to be reasonable. In order to accommodate both Plaintiffs' need for additional time and Defendants' scheduling constraints, the Court hereby VACATES the September 25 hearing date and directs counsel to meet and confer regarding a new date. Counsel may select any Friday on or after October 30, 2009, with the exception of November 6, 2009. Counsel shall contact the Court's administrative law clerk at 408-535-5426 with the new hearing date.

IT IS SO ORDERED.

DATED: September 3, 2009

JEANY FOGEL United States District Judge

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