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

DongxiaoYue, et al.,

NO. C 08-00019 JW

Plaintiffs,

**ORDER DENYING PLAINTIFFS’
MOTION TO CHANGE DATE FOR
HEARING**

v.

Chordiant Software, Inc., et al.,

Defendants.

Presently before the Court is Plaintiffs’ Motion to Change the Date for Hearing Defendants’ Motion for Summary Judgment.¹ Plaintiffs seek to continue the hearing on Defendants’ motion for summary judgment. Defendants have filed a timely opposition. (See Docket Item No. 115.)

On November 20, 2009, the Court scheduled a hearing for April 6, 2009 on Defendants’ motion for summary judgment on their license-based defense. (See Docket Item No. 97.) On March 2, 2009, Defendants filed their motion for summary judgment, noticing the hearing for April 6, 2009 in accordance with the November 2009 Scheduling Order. (See Docket Item No. 104.) Plaintiffs seek to continue the hearing until an unspecified date on the ground that Plaintiffs’ counsel is a solo practitioner and may not have enough time to adequately oppose the motion. (Motion at 2.)

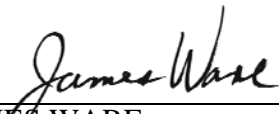
A court may modify its schedule for “good cause.” Fed. R. Civ. P. 16(b)(4). In this case, the Court and counsel for the parties discussed the appropriate date for hearing Defendants’ anticipated motion on summary judgment regarding licensing issues at a Case Management Conference. (See

¹ (Motion to Change Date for Hearing of Motion for Summary Judgment, hereafter, “Motion,” Docket Item No. 112.)

1 Docket Item No. 97.) The Court and the parties mutually agreed upon the April 6, 2009 hearing
2 date. (Id.) Plaintiffs contend that good cause exists because the issues raised in Defendants' motion
3 are lengthy and complex, and Plaintiffs' counsel has numerous documents to review in order to
4 marshal an opposition. (Motion at 1-2.) However, in light of the fact that Plaintiffs were served the
5 motion on March 2, 2009, and have had notice of the hearing date since November, the Court finds
6 that they have failed to show good cause for continuing the hearing.

7 Accordingly, the Court Denies Plaintiffs' Motion to Change the Date for Hearing
8 Defendants' Motion for Summary Judgment.

9
10 Dated: March 13, 2009



JAMES WARE
United States District Judge

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

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8 **Dated: March 13, 2009**

Richard W. Wieking, Clerk

9 **By: /s/ JW Chambers**
10 **Elizabeth Garcia**
11 **Courtroom Deputy**

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