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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

TIMOTHY L. GALL,
Plaintiff,
v.
CITY OF SAN JOSE,
Defendant.

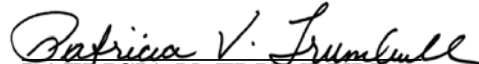
Case No.: C 08-0120 JW (PVT)
**ORDER SETTING BRIEFING AND
HEARING SCHEDULE FOR
PLAINTIFF’S MOTION TO COMPEL**

On October 9, 2008, this court vacated the hearing date on Plaintiff’s motion to compel, based on Defendant’s further production of documents and Plaintiff’s failure to file any reply brief. The court ordered that Plaintiff could re-notice the hearing on two weeks notice by filing a brief specifying the documents he believes still need to be produced by Defendant. On October 10, 2008, Plaintiff filed a document entitled “Proposed Order: Motion to Compel the City of San Jose (Defendant) to Produce Listed Documents” (“October 10th Brief”). On October 14, 2008, Plaintiff submitted a document entitled “Re-Notice, Motion to Compel City of San Jose to Produce Documents,” in which he noticed a hearing for October 28, 2008, pursuant to this court’s prior order and requested that the October 10th Brief be used as the “document of record.” (Because this document had a proposed order included, the Clerk’s Office inadvertently “received” rather than “filed” the document. This oversight has now been corrected.) Based on the briefs submitted by

1 Plaintiff and the file herein,

2 IT IS HEREBY ORDERED that Plaintiff's motion to compel shall be heard on October 28,
3 2008. Defendant shall serve (by mail and fax) and file its opposition no later than October 23, 2008.

4 Dated: *10/17/08*

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6 PATRICIA V. TRUMBULL
7 United States Magistrate Judge
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per t/c conversation copy
left at clerk's office for pick up

1 copies mailed and ~~faxed~~ on 10/20/08 to:

2 Timothy L. Gall
3 15435 La Jolla Drive
4 Morgan Hill, CA 95037
5 Fax No. (408) 778-0965

6 /s/ Donna Kirchner for
7 CORINNE LEW
8 Courtroom Deputy

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