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

Joseph E. Rubino,
Plaintiff,
v.
ACME Building Maintenance, et al.,
Defendants.

NO. C 08-00696 JW

**ORDER CONTINUING HEARING ON
DEFENDANT’S MOTION FOR
SUMMARY JUDGMENT; VACATING
CURRENT FINAL PRETRIAL
CONFERENCE AND TRIAL DATES**

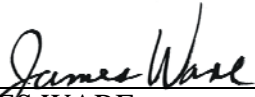
Presently before the Court is Defendant ACME’s Second Motion for Summary Judgment set for hearing on February 22, 2010. (Docket Item No. 138.) Although this Motion is noticed in accordance with the Court’s Scheduling Order, (Docket Item No. 130), it is set to close to the March 1, 2010 Final Pretrial Conference and the March 16, 2010 Jury Selection. Upon consideration, the Court finds good cause to VACATE the Final Pretrial Conference and the Trial Schedule at this time, until the Court has had a chance to evaluate the merits of Defendant’s second Motion for Summary Judgment. In addition, the Court’s March 16 trial calendar has been given priority to an earlier filed case. Accordingly, the Court ORDERS as follows:

- (1) Defendant’s Second Motion for Summary Judgment is continued from February 22, 2010 to **March 29, 2010 at 9 a.m.**
- (2) The trial set to begin on March 16, 2010 is VACATED.

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(3) The Final Pretrial Conference set for March 1, 2010 is also VACATED. The Court will set a new Pretrial Conference date in its order addressing Defendant's second Motion, if necessary. All pretrial deadlines shall be reset in accordance with the new Pretrial Conference Order.

Dated: February 16, 2010



JAMES WARE
United States District Judge

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

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9 **Dated: February 16, 2010**

Richard W. Wieking, Clerk

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

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