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28**\*E-Filed 2/23/2010\***

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

JASON ACOSTA

No. C 09-00867 RS

Plaintiff,

v.

**ORDER GRANTING  
ADMINISTRATIVE MOTION TO  
CHANGE TIME**

AMERICAN RED CROSS SANTA CLARA  
VALLEY CHAPTER, et al.,

Defendants.

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On February 16, 2010, plaintiff Jason Acosta filed a document entitled “Declaration of Amy Carlson in Support of Request for Denial or Continuance of Summary Judgment Under FRCP 56(f).” The Court construed the Carlson declaration as an administrative motion to change time. Defendant American Red Cross, Santa Clara Valley Chapter (“ARC”), has now filed an opposition. For the reasons stated below, the motion is granted.

The parties’ Case Management Scheduling Order initially provided that all dispositive motions had to be heard by March 10, 2010. Later, with the Court’s approval, the parties stipulated to extend this deadline to March 18, 2010. ARC accordingly filed a motion for summary judgment

C 09-00867 RS  
ORDER

1 and noticed it for March 18, 2010. Under Civil Local Rule 7-3(a), Acosta's opposition to the  
2 summary judgment motion is due February 25, 2010.

3 The instant motion indicates that Carlson has two depositions scheduled for February 26,  
4 2010, the day after her client's opposition is due.<sup>1</sup> The two prospective deponents are Heidi  
5 Ordwein, ARC's Vice President of Administration, and Ross Asuncion, an ARC employee. Carlson  
6 avers that these depositions are likely to raise a genuine issue of material fact and have a bearing on  
7 summary judgment. Therefore she asks the Court to deny ARC's motion for summary judgment, or  
8 alternatively to continue the motion hearing by two weeks—the latter presumably so that she can  
9 have a chance to incorporate the results of the depositions into her opposition.

10 Although it is unclear why Acosta's counsel has chosen to leave these depositions until the  
11 last minute in an eight-month discovery period, there is nonetheless no indication that the request  
12 for continuance constitutes a bad-faith delaying tactic. It is unnecessary, at this juncture, to engage  
13 in a technical discussion about whether the Carlson declaration meets all the requirements of Rule  
14 56(f); rather, this is essentially an issue of docket management, which is in the Court's discretion.  
15 The requested time extension is relatively short; the discovery at issue is very discrete; and Acosta is  
16 not requesting any extension of the discovery period itself. Moreover, it will serve the interest of  
17 judicial efficiency to decide the summary judgment motion on a complete record. Therefore, the  
18 summary judgment hearing will be continued by two weeks, from March 18, 2010, to **April 1, 2010,**  
19 **at 1:30 p.m.** in Courtroom 3, 17th Floor, United States Courthouse, 450 Golden Gate Avenue, San  
20 Francisco, California.

21 IT IS SO ORDERED.

22 Dated: 2/23/2010



23  
24 RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE

25  
26 \_\_\_\_\_  
27 <sup>1</sup> The discovery period in this case began in June 2009 and is scheduled to end on March 3, 2010.