

\*E-Filed 11/28/11\*

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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
8 SAN FRANCISCO DIVISION  
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10 ARMANDO RODRIGUEZ,

No. C 09-04057 RS

11 Plaintiff,

12 v.

**ORDER EXTENDING TIME FOR  
FILING OPPOSITION TO SUMMARY  
JUDGMENT MOTION AND  
CONTINUING HEARING**

13 BARRITA, INC., *et al.*,14 Defendants.  
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17 On November 17, 2011, the parties in the above-captioned action filed cross-motions for  
18 summary judgment, and a hearing was scheduled for December 22, 2011. (Dkt. No. 98).  
19 Accordingly, the parties' opposition briefs were to be due by December 1, 2011. However, the  
20 parties have also been engaged in an ongoing discovery dispute, which was resolved on November  
21 21, 2011, by order of the Magistrate Judge assigned to the case. (Dkt. No. 105). In relevant part,  
22 that order required defendants to produce tax records that shed light on their finances by December  
23 9, 2011 – eight days after the opposition briefs were to be due. Although plaintiff contends that the  
24 central issue raised by defendants' motion is whether defendants have sufficient financial resources  
25 to render remediation of the restaurant "readily achievable," defendants' counsel has declined to  
26 stipulate to an extension of time to permit plaintiffs' counsel to review the records to be produced.  
27 Accordingly, on November 23, 2011, plaintiff filed an administrative motion to extend the date by  
28 which he must respond to defendants' motion for summary judgment. Without defendants'

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1 financial records, plaintiff cannot adequately address defendants' motion for summary judgment.  
2 Accordingly, the motion for an extension of time is granted.

3 The parties are hereby instructed to file opposition briefs to each other's cross-motions by  
4 **December 16, 2011**; reply briefs shall be filed by **December 23, 2011**. The hearing on the parties'  
5 cross-motions, previously scheduled for December 22, 2011, is hereby continued to **1:30 p.m. on**  
6 **December 29, 2011**, in Courtroom 3, 17th Floor, 450 Golden Gate Avenue, San Francisco.

7 IT IS SO ORDERED.

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9 Dated: 11/28/11



10 RICHARD SEEBORG  
11 UNITED STATES DISTRICT JUDGE  
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