

United States District Court  
For the Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

STARNET INTERNATIONAL AMC INC.,	)	Case No.: 09-CV-04301-LHK
dba ALL CHEER INTERNATIONAL and	)	
KERRY INTERNATIONAL,	)	ORDER SEEKING DEFENDANT’S
	)	POSITION ON PLAINTIFF’S MOTION
Plaintiff,	)	TO WITHDRAW MOTION FOR
v.	)	SUMMARY JUDGMENT
	)	
MOUSA KAFASH,	)	(re: docket # 51)
dba BAPAZ GARMENTS et al.,	)	
	)	
Defendant.	)	

Plaintiff Starnet International AMC Inc. (“Plaintiff”) has filed a motion to withdraw its motion for summary judgment. Pursuant to Civil Local Rule 7-7(e), “Withdrawal,” a moving party has 7 days after service of an opposition to file a notice of withdrawal of the motion. Defendant Mousa Kafash (“Defendant”) filed its Opposition on September 7, 2010. Plaintiff’s motion to withdraw, filed on September 17, 2010, is thus untimely under the Local Rules. Under Local Rule 7-7(e), the Court has discretion to still decide the motion.

Before doing so, however, the Court seeks Defendant’s position on Plaintiff’s withdrawal of its motion for summary judgment. Defendant shall file an Opposition or Statement of

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Nonopposition to Plaintiff's motion to withdraw by Wednesday, September 22, 2010.

Even if Plaintiff's motion to withdraw its motion for summary judgment is granted and the September 28, 2010 hearing is vacated, the parties should plan to proceed with a Case Management Conference on September 28, 2010.

**IT IS SO ORDERED.**

Dated: September 17, 2010

  
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LUCY H. KOH  
United States District Judge