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9   UNITED STATES DISTRICT COURT

10   NORTHERN DISTRICT OF CALIFORNIA

11   SAN JOSE DIVISION

United States District Court
For the Northern District of California

EMPLOYMENT DEVELOPMENT DEPARTMENT, et al.,)	Case No.: 09-CV-05209-LHK
)	
Appellants,)	ORDER DENYING REQUEST FOR AMENDED BRIEFING SCHEDULE IN RELATED CASES
)	
v.)	
)	
FRANK BERTUCCIO,)	
)	
Appellee.)	
)	
CALIFORNIA CONTRACTORS STATE)	Case No.: 09-CV-05292-LHK
LICENSE BOARD, et al.,)	
)	
Appellants,)	
v.)	
)	
FRANK BERTUCCIO,)	
)	
Appellee.)	
)	
FRANK BERTUCCIO,)	Case No.: 09-CV-05454-LHK
)	
Appellant,)	
)	
v.)	
)	
CALIFORNIA CONTRACTORS STATE)	
LICENSE BOARD, et al.,)	
)	
Appellees.)	
)	

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Case No.: 09-CV-05209, 09-CV-5292, 09-CV-5454
ORDER DENYING REQUEST FOR AMENDED BRIEFING SCHEDULE

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For each of these related cases, the notice of appeal from bankruptcy court was filed in November 2009. On June 11, 2010, the Honorable James Ware granted the parties' stipulation to consolidate briefing and extend deadlines for the briefing schedule. Pursuant to the parties' own stipulation, the Appellants would file opening briefs by September 28, 2010, the Appellees would file respondent briefs by October 29, 2010, and the Appellees would file reply briefs by December 3, 2010. Without an Order approving the parties' stipulation, opening briefs would have been due in mid-July, respondent briefs would have been due 21 days later, and reply briefs would have been due 14 days after service of respondent briefs. *See* Local Bankruptcy Rule 8010-1.

On September 28, 2010, the same day as the deadline for filing opening briefs, the parties filed yet another stipulation agreeing to further extension of briefing deadlines. In violation of Civil Local Rule 6-2, however, the parties did not set forth with particularity the reasons for the requested extension of time. In fact, the parties provided no reason at all. The fact that certain counsel had been on extended leave through the middle of September 2010 does not justify the current request. Judge Ware's Order of June 11, 2010 expressly relied on counsel's leave in granting the current schedule -- it bears repeating, a schedule proposed by the parties and adopted back in June 2010.

Accordingly, the parties' request for extension of time to file briefs is DENIED. Although the deadline for filing opening briefs has already passed, the Court grants Appellants leave to file opening briefs by Monday, October 4, 2010. Appellees' respondent briefs remain due on October 29, 2010, and Appellants' reply briefs remain due on December 3, 2010.

IT IS SO ORDERED.

Dated: September 29, 2010

_Lucy H. Koh_____

LUCY H. KOH
United States District Judge

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