

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

ELMO SHROPSHIRE, D/B/A ELMO PUBLISHING,	)	Case No.: 10-CV-01941-LHK
	)	
Plaintiff,	)	ORDER GRANTING IN PART
v.	)	STIPULATION TO EXTEND BRIEFING
	)	SCHEDULE AND HEARING DATE
AUBREY CANNING, JR.,	)	REGARDING DEFENDANT’S MOTION
	)	TO DISMISS
Defendant.	)	(re: dkt. #73)
	)	

On March 17, 2011, Defendant filed a motion to dismiss, which is noticed for a hearing date of June 9, 2011. On April 7, 2011, the Court set an expedited briefing schedule on that motion as follows: Plaintiff’s opposition is due by April 27, 2011, and Defendant’s reply is due by May 6, 2011. On April 13, 2011, Plaintiff filed a notice of substitution counsel, which the Court granted that same day.

The parties have now filed a joint stipulation to extend the briefing schedule and hearing date regarding Defendant’s motion to dismiss on the ground that Plaintiff’s new law firm (DLA Piper LLP) requires additional time to evaluate the lawsuit. See Dkt. #73. Plaintiff requests a May 18, 2011 deadline to file the opposition, while Defendant seeks to file the reply pursuant to Civil Local Rule 7-3 (i.e., not less than 14 days before the hearing date). The parties also jointly request

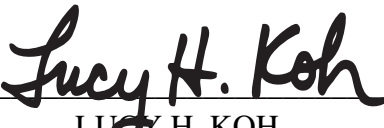
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a new hearing date that will allow sufficient time for Plaintiff to file its opposition by May 18, 2011.

The parties' stipulated request for an extension is GRANTED as follows. Plaintiff's deadline to file the opposition to the motion to dismiss is now May 18, 2011, while Defendant's deadline to file the reply is now June 3, 2011. The hearing on the motion to dismiss is continued to Thursday, July 28, 2011 at 1:30 p.m.

**IT IS SO ORDERED.**

Dated: April 18, 2011

  
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LUCY H. KOH  
United States District Judge