

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

LORIANNE WATTS,)	Case No.: 10-CV-02606-LHK
)	
Plaintiff,)	ORDER GRANTING PLAINTIFF’S
v.)	MOTION TO SHORTEN TIME
)	
ENHANCED RECOVERY CORP.; LAW)	
OFFICES OF MITCHELL N. KAY; BUREAU)	
OF COLLECTION RECOVERY; T-MOBILE)	
USA, INC.; AND DOES I-X,)	
)	
Defendants.)	
)	

On December 15, 2010, Plaintiff filed a Second Motion to Remand to be heard on March 3, 2011. On December 16, 2010, Plaintiff moved to shorten time so that her motion to remand could be heard at the previously scheduled hearing on Defendant T-Mobile’s motion to dismiss on January 13, 2011. Pursuant to Civil Local Rule 6-3(c), any opposition to Plaintiff’s motion to shorten time was due by Monday, December 20, 2010.

On December 20, 2010, Defendant T-Mobile filed an opposition to Plaintiff’s motion to shorten time. Def.’s Opp’n, ECF No. 70. T-Mobile argues that the motion should be denied because Plaintiff’s motion does not adequately address the requirements set forth in the Local Rules and does not identify substantial harm or prejudice that would occur if time is not shortened. The Court acknowledges that there are a number of deficiencies in Plaintiff’s motion. For instance, the motion does not describe Plaintiff’s efforts to obtain a stipulation to shorten time or the effect

1 of the requested modification on the case schedule, as required by Civil Local Rule 6-3(a).
2 Nonetheless, the Court finds that Plaintiff's motion adequately describes the harm she seeks to
3 avoid. Plaintiff's forum of choice was the California Superior Court. Removal of this action to
4 federal court inevitably caused some delay of her case, and Plaintiff seeks to return to state court
5 without incurring further delay. While the Court does not express an opinion on the merits of
6 Plaintiff's motion to remand, the Court agrees that it is important to determine the appropriate
7 forum for this action as soon as possible. T-Mobile has not argued that Defendants would be
8 prejudiced if the motion to remand is heard on January 13, 2011, and in fact Defendant Enhanced
9 Recovery has already filed an opposition to Plaintiff's Second Motion to Remand. Def. Enhanced
10 Recovery Corp.'s Opp'n to Pl.'s Second Mot. to Remand, ECF No. 69. The issues presented in
11 Plaintiff's motion to remand are narrow in scope, and the Court believes that they may be
12 adequately addressed in time for the January 13 hearing date.

13 Accordingly, the Court GRANTS Plaintiff's motion to shorten time. Plaintiff's Second
14 Motion to Remand shall be heard on January 13, 2011, at 1:30 p.m. In order to avoid possible
15 prejudice to Defendants from a shortened briefing schedule, the Court will provide extra time for
16 the filing of opposition briefs, as follows:

- 17 (1) Opposition briefs shall be filed by Monday, January 3, 2011.
18 (2) Plaintiff shall file a reply by Friday, January 7, 2011.

19 The briefing schedule for Defendant T-Mobile's Motion to Dismiss shall remain
20 unchanged, as set by the Local Rules.

21 **IT IS SO ORDERED.**

22
23 Dated: December 21, 2010

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25 _____
26 LUCY H. KOH
27 United States District Judge
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