

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

MARIA JESUS BALASQUEZ, et al.,)	Case No.: 10-CV-05206-LHK
)	
Plaintiffs,)	ORDER GRANTING IN PART
v.)	STIPULATED REQUEST TO
)	CONTINUE MOTION HEARING
CITY OF MORGAN HILL, et al.,)	
)	
Defendants.)	
)	
)	

Defendant’s motion to dismiss is currently set for hearing on April 7, 2011. On March 16, 2011, the parties filed a stipulated request to continue the motion hearing to May 5, 2011, at 10 a.m. On March 17, 2011, the parties filed a proposed order for the Court’s signature. As the parties have not set forth the information required for a stipulated request to change time, *see* Civ. L.R. 6-2(a), it is difficult for the Court to determine whether the requested continuance should be granted.

The Court notes that, based on the current schedule, Plaintiff’s opposition brief is due today, March 17, 2011. In the future, any requests that will affect an immediate deadline must be filed significantly in advance of that deadline in order to provide the Court sufficient time to consider the request and issue an order. In this instance, the Court will grant the continuance so as to avoid possible prejudice to Plaintiff. However, as the parties have provided no reasons

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justifying their request, the Court grants only a brief continuance of the briefing schedule, as follows:

- (1) Plaintiff's opposition brief is due no later than March 24, 2011;
- (2) Defendant's reply brief is due no later than March 30, 2011;
- (3) The Court will hold a hearing, if necessary, on May 5, 2011 at 1:30 p.m. If the motion can be resolved without oral argument, the Court will notify the parties and vacate the hearing.

IT IS SO ORDERED.

Dated: March 17, 2011



LUCY H. KOH
United States District Judge