

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

SKYWARE, INC.,	)	Case No.: C 11-00545 PSG
	)	
Plaintiff,	)	<b>AMENDED ORDER SETTING</b>
	)	<b>HEARING AND BRIEFING</b>
v.	)	<b>SCHEDULE FOR MOTION TO STAY</b>
	)	<b>DEFENDANTS’ MOTION FOR</b>
NORMAN ABRAMSON, ET AL.,	)	<b>PARTIAL SUMMARY JUDGMENT</b>
	)	<b>AND DENYING MOTION TO</b>
Defendants.	)	<b>CONTINUE HEARING DATE ON</b>
	)	<b>DEFENDANTS’ MOTION TO</b>
	)	<b>STRIKE PLAINTFF’S COMPLAINT</b>
	)	<b>AND TO MODIFY BRIEFING</b>
	)	<b>SCHEDULE</b>

On July 1, 2011, Plaintiff Skyware, Inc. (“Skyware”) filed a motion to stay Defendants’ motion for partial summary judgment, to continue the hearing for Defendants’ motion to strike, and to modify the briefing schedule for Defendants’ motion to strike.<sup>1</sup> On July 5, 2011, Defendants filed an opposition to these motions.

Skyware seeks to stay the motion for partial summary judgment to allow the parties to complete the discovery necessary for Skyware to oppose the motion, pursuant to Fed. R. Civ. P. 56(d). Skyware, however, has not noticed this motion for hearing as required by Fed. R. Civ. P. 7-2. Accordingly,

<sup>1</sup> Although the court’s docket reflects that Docket No. 49 was docketed in error, out of an abundance of caution, the court will address the arguments raised in that document as well as in Docket No. 50. The court notes that Docket Nos. 49 and 50 have identical titles.

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IT IS HEREBY ORDERED that Skyware’s 56(d) motion will be heard on July 26, 2011.

Skyware shall file any reply to Defendants’ opposition no later than July 12, 2011.

Skyware also moves to continue the hearing and modify the briefing schedule for Defendants’ motion to strike. Skyware argues these changes are necessary because the motion raises a large number of issues, its counsel and representatives had “various business conflicts” the week of June 27-July 1 that prevented it from completing its opposition by the July 5th deadline, and its counsel has “long been scheduled” to be on vacation the entire week of July 5-9. Absent further explanation, these reasons do not constitute good cause to change the court’s schedule or to deny Defendants a speedy resolution to their motion. In particular, Skyware has provided no explanation of what specific “business conflicts” prevented it from preparing its opposition earlier. Furthermore, neither of these reasons explain Skyware’s failure to ask for relief from the briefing schedule until the final business day before the opposition deadline. Accordingly,

IT IS HEREBY ORDERED that Skyware’s motion to continue the hearing and to modify the briefing schedule for Defendants’ motion to strike is DENIED.

Dated: July 5, 2011

  
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PAUL S. GREWAL  
United States Magistrate Judge