

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

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|---------------------------|---|--------------------------------|
| MICHAEL E. BOYD, |) | Case No.: 11-CV-1644-LHK |
| |) | |
| Plaintiff, |) | ORDER RE: BRIEFING SCHEDULE ON |
| |) | DEFENDANT'S MOTION FOR |
| v. |) | SUMMARY JUDGMENT |
| |) | |
| ACCURAY, INC.; DOES 1-50, |) | |
| |) | |
| Defendants. |) | |

Now before the Court is Plaintiff's application for a third enlargement of time to respond to Defendant's motion for summary judgment. ECF No. 64-3 ("Appl."). Defendant has filed an opposition, and Plaintiff has filed a reply. ECF No. 66 ("Opp'n"); ECF No. 67 ("Reply"). Plaintiff's primary reason for requesting an enlargement of time is that his attorney's health condition has prevented him from meeting the briefing schedule as originally set and as modified by the Court's two prior extensions. *See* Appl.; ECF No. 65 ("Suppl. Westreich Decl."). The Court finds good cause to grant another extension, but is concerned that any further extensions will prejudice the parties and delay resolution of this matter. Accordingly, the hearing on Defendant's motion for summary judgment and the case management conference are hereby continued to May 31, 2012, at 1:30 p.m. By 5:00 p.m. on May 11, 2012, Plaintiff's counsel shall file either: (1) an opposition to Defendant's motion for summary judgment; or (2) a motion to withdraw or to substitute counsel.

If Plaintiff files an opposition to Defendant's motion for summary judgment, Defendant's reply will be due May 21, 2012.

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If, on the other hand, Plaintiff files a motion to withdraw or to substitute counsel, Defendant may file an opposition by May 21, 2012; Plaintiff may file a reply by May 28, 2012; and the Court will hear the motion on May 31, 2012. No further extensions will be countenanced.

IT IS SO ORDERED.

Dated: May 10, 2012



LUCY H. KOH
United States District Judge