

United States District Court
For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

E-FILED: May 9, 2013

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DOUGLAS ROBERTS,

No. C12-05302 HRL

Plaintiff,

**ORDER CONTINUING HEARING RE
PLAINTIFF'S SUMMARY JUDGMENT
MOTION**

v.

TRIMAC TRANSPORTATION SERVICES
(WESTERN), INC.,

Defendant.

_____ /

This court previously granted defendant's Fed. R. Civ. P. 56(d) motion for a continuance on the issue whether plaintiff is exempt from overtime compensation under the Fair Labor Standards Act's Motor Carrier Exemption, 29 U.S.C. § 213(b)(1). Plaintiff's summary judgment motion as to that issue was set for further briefing and a June 4, 2013 hearing. Defendant has now filed its supplemental opposition papers, along with its affirmative cross-motion for summary judgment on the same issue, noticed for a June 11, 2013 hearing. Accordingly, the hearing on plaintiff's motion is continued, and the court will hear both motions on June 11, 2013, 10:00 a.m. The deadlines re supplemental briefing on plaintiff's motion remain as set in the court's March 15, 2013 order (Dkt. No. 36).

SO ORDERED.

Dated: May 9, 2013



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

1 5:12-cv-05302-HRL Notice has been electronically mailed to:
2 Christopher Chad McNatt , Jr cmcnatt@scopelitis.com, mlazo@scopelitis.com
3 Christopher James Eckhart ceckhart@scopelitis.com, nberry@scopelitis.com
4 Megan E. Ross mross@michaeltracylaw.com
5 Michael Lion Tracy mtracy@michaeltracylaw.com, calendar@michaeltracylaw.com

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28