UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

M. HELEN BERNSTEIN, Plaintiff, v. APOLLO GROUP, INC., et al., Defendants.	Case No.: 13-CV-01701-LHK ORDER AMENDING BRIEFING SCHEDULE ON DEFENDANTS' MOTION TO DISMISS AND PLAINTIFF'S MOTION FOR JOINDER

Defendants filed a Motion to Dismiss Plaintiff's First Amended Complaint on August 7, 2013. ECF No. 55. Under Civil Local Rule 7-3(a), which governs in the absence of a stipulation or court order altering the standard briefing schedule, Plaintiff's opposition was due 14 days later, while Defendants' reply was due 7 days after Plaintiff filed her opposition. In this case, the parties neither stipulated to an extension of time, nor sought a court order extending the briefing schedule. In spite of the absence of a stipulation or court order, Defendants' ECF entry accompanying Defendants' Motion to Dismiss purported to set the deadlines for Plaintiff's opposition and Defendants' reply for January 16, 2014 and January 23, 2014 respectively. ECF No. 55. This ECF entry was not an authorized amendment to the briefing schedule.

Plaintiff filed her Opposition to Defendants' Motion to Dismiss on September 30, 2013. ECF No. 83. Although Plaintiff's Opposition was technically untimely, the Court finds that a waiver of the standard deadline in this case is warranted in light of the fact that Plaintiff, who is pro

se, may reasonably have been misled by the ECF entry purporting to extend the briefing schedule on the Motion to Dismiss. Accordingly, the Court will accept Plaintiff's Opposition. Defendants are hereby ordered to file their Reply to Plaintiff's Opposition by **November 11, 2013**.

Plaintiff has recently filed several Motions for Joinder. ECF Nos. 96 (filed Oct. 17, 2013); 97 (filed Oct. 19, 2013); 99 (filed Oct. 19, 2013); 101 (filed Oct. 19, 2013). Defendants' time to respond to these motions is set to run out by October 31, 2013 for ECF No. 96, and November 2, 2013 for ECF Nos. 97, 99, and 101. In light of the confusion surrounding the briefing schedule, the Court extends Defendants' deadline to respond to all of Plaintiff's Motions for Joinder to **November 11, 2013**. Plaintiff shall then have **14 days** from the filing of Defendants' response to the Motions for Joinder to file a reply.

IT IS SO ORDERED.

Dated: October 28, 2013

LUCY H. KOH
United States District Judge

United States District Court
For the Northern District of California