

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

HOU HSU,)	Case No. 5:13-cv-02253-PSG
)	
Plaintiff,)	ORDER DENYING WITHOUT
)	PREJUDICE TO RENEWAL
v.)	MOTION TO REVIEW DISABILITY
)	CLAIM
PATRICK DONAHOE, POSTMASTER)	
GENERAL, U.S. POSTAL SERVICE,)	(Re: Docket No. 46)
)	
Defendant.)	

Hou Hsu brings this motion after the court denied Donahoe’s motion to dismiss Hsu’s first amended complaint without prejudice.¹ The court denied Donahoe’s motion to afford the parties time to participate in a settlement conference currently set for November 25, 2014.² On the same day, the court also denied several of Hsu’s pending motions without prejudice to clear the docket for the purposes of settlement talks.³ For both parties, the court has held that if the settlement conference is unsuccessful, the moving party may file a one-page notice to renew.⁴

¹ See Docket No. 46.

² See Docket No. 39.

³ See Docket Nos. 40, 41.

⁴ See Docket Nos. 39, 40, 41.

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Donahoe is correct that any additional motions are not appropriate right now given the pending settlement conference.⁵ But Hsu's motion may be appropriate at a later time. It is only fair that if the court has denied Donahoe's motion to dismiss without prejudice so that settlement talks may proceed unencumbered, the court should deny Hsu's current motion without prejudice. Hsu's motion therefore is denied, and Hsu may file a one-page notice of renewal. But until a settlement conference, neither party should file further motions with the court.

SO ORDERED.

Dated: October 31, 2014



PAUL S. GREWAL
United States Magistrate Judge

⁵ See Docket No. 47.