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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

SAEID MOHEBBI,  
Plaintiff,

v.

MAHNAZ KHAZEN, et al.,  
Defendants.

Case No. [13-cv-03044-BLF](#)

**ORDER DENYING PLAINTIFF'S  
MOTION TO SHORTEN TIME FOR  
HEARING ON HIS MOTION FOR  
LEAVE TO FILE A SECOND  
AMENDED COMPLAINT**

Re: Dkt. No. 54

Before the Court is Plaintiff's Motion to Shorten Time for Hearing on his Motion for Leave to File a Second Amended Complaint ("Motion for Leave"), filed with the Court on May 7, 2014. Plaintiff contends that hearing the Motion for Leave before the scheduled June 12, 2014 hearing on Defendants' pending Motion to Dismiss the First Amended Complaint would further the interests of justice and judicial economy, and will not prejudice Defendants' interests. The Court, having considered the Motion to Shorten Time and Defendants' Opposition, hereby DENIES Plaintiff's Motion.

The Court believes that judicial efficiency is best effectuated by the Court considering the first-filed motion, Defendants' Motion to Dismiss the First Amended Complaint. A ruling from the Court on the Motion to Dismiss will presumably advise Plaintiff on the need for further amendment prior to the filing of the Second Amended Complaint, if allowed by the Court.

Though the Court denies this Motion to Shorten Time, the Court takes issue with Defendants' contention that the filing of this Motion was an inappropriate Motion for Reconsideration. At the May 6, 2014 Case Management Conference, the Court engaged in informal discussion with the parties on the issue of the priority of these matters; however, the Court issued no order. Plaintiff was not precluded from moving for an order shortening time on his

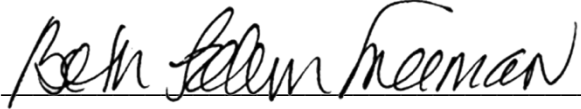
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Motion for Leave. The Court’s comments at the Case Management Conference did not constitute an order denying Plaintiff’s request, and Defendant has improperly described this Motion as a Motion for Reconsideration.

Plaintiff’s Motion is DENIED, and the Motion for Leave to Amend will not be heard before the June 12, 2014 hearing on Defendants’ Motion to Dismiss.

**IT IS SO ORDERED.**

Dated: May 12, 2014

  
BETH LABSON FREEMAN  
United States District Judge