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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ROBERT W. CABELL,
Plaintiff,
v.
ZORRO PRODUCTIONS INC., et al.,
Defendants.

Case No. [5:15-cv-00771-EJD](#)

**ORDER DENYING PLAINTIFF'S
ADMINISTRATIVE MOTION TO
SEVER DEFENDANTS' MOTION FOR
PARTIAL SUMMARY JUDGMENT**

Re: Dkt. No. 203

Presently before the Court is Plaintiff Robert Cabell's ("Plaintiff") Administrative Motion to Sever Defendants' Motion for Partial Summary Judgment as to Claim 1 for Copyright Infringement. Dkt. No. 203. Plaintiff argues that Defendants' motion should be severed because it seeks summary judgment on Counts 1 and 2 of the Second Amended Complaint ("SAC"), whereas Plaintiff's own motion for summary judgment—which was filed first—only seeks summary judgment on Count 2. *Id.* As such, Plaintiff argues, Defendants' motion is not a proper cross-motion and severance is warranted. *Id.*

The Court disagrees. Nothing in the Court's Standing Order or the case management orders issued in this case require that Defendants' cross-motion be limited to only the claims for which Plaintiff seeks summary judgment. As such, there is no good cause to sever. Further, by combining their opposition to Plaintiff's motion for summary judgment and its own cross-motion

Case No.: [5:15-cv-00771-EJD](#)

ORDER DENYING PLAINTIFF'S ADMINISTRATIVE MOTION TO SEVER

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for summary judgment in a single 25-page filing, Defendants appear to have complied with the Court's orders. It is now Plaintiff's turn to do the same. Plaintiff's administrative motion is DENIED.

IT IS SO ORDERED.

Dated: December 28, 2017


EDWARD J. DAVILA
United States District Judge