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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

MARTIN MONICA,
Plaintiff,
v.
BRYAN WILLIAMS, et al.,
Defendants.

Case No. [15-cv-04857-BLF](#)

**ORDER GRANTING PLAINTIFF'S
REQUEST FOR CONTINUANCE OF
MOTION FOR SUMMARY JUDGMENT
AND SETTING BRIEFING SCHEDULE**

[Re: ECF 26]

Before the Court is Plaintiff Martin Monica's request for denial or continuance of motion for summary judgment pursuant to Federal Rule of Civil Procedure 56(d). ECF 26. Defendants do not object to a continuance but do object to the motion being denied outright. ECF 28. Although Plaintiff has plainly not satisfied the requirements of Fed. R. Civ. P. 56(d), *see Swoger v. Rare Coin Wholesalers*, 803 F.3d 1045, 1048 (9th Cir. 2015) (listing requirements), the Court notes that the hearing set initially by the Court was more than the Court's required 90-day minimum before trial. Accordingly, the Court CONTINUES the hearing to November 17, 2016 at 9:00 a.m.

The Court sets the following briefing schedule:

October 27, 2016: Deadline for Plaintiff to file an opposition to Defendants' motion.¹

November 3, 2016: Deadline for Defendants to file a reply.

Dated: September 19, 2016


BETH LABSON FREEMAN
United States District Judge

¹ Neither the Court's schedule nor its Standing Orders will allow the Court to give Plaintiff until December 9, 2016 in which to file his opposition.