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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIANEWMARK REALTY CAPITAL, INC.,
Plaintiff,
v.
BGC PARTNERS, INC., et al.,
Defendants.

Case No. 16-cv-01702-BLF (SVK)

**ORDER ON PLAINTIFF'S REQUEST
FOR WITHDRAWAL OF THE
COURT'S MAY 18, 2018 ORDER**

Re: Dkt. No. 384

Before the Court is Plaintiff's "Request for Withdrawal of Court Order (Dkt. 367) to Permit the Timely Filing of Response and Objections to Defendants' Motion to Extend the Court's May 18, 2018 Deadline to Permit Defendants to File a Motion to Compel relating to Plaintiff's Forthcoming, Court-Ordered ESI Production (Dkt. 364)." ECF 384 (the "Request"). Plaintiff's Request relates to the undersigned's order on a motion filed by Defendants on May 16, 2018, which sought to extend the May 18, 2018 deadline for motions to compel for a possible motion to compel in connection with Plaintiff's production of certain ESI, which at that time had not been completed. ECF 364 (the "Motion"). The Motion was originally noticed before the District Judge for a hearing on October 11, 2018. *Id.* On May 18, 2018, the deadline for motions to compel, the District Judge referred the Motion to the undersigned, "to be considered at the convenience of her calendar," and vacated the October 11 hearing. ECF 366. The undersigned granted the Motion that same day. ECF 367 (the "Order"). Plaintiff now asks the Court to withdraw the Order to give Plaintiff the opportunity to file its response and objections to the Motion.

The Court DENIES Plaintiff's Request to withdraw the Order but acknowledges that Plaintiff did not have the opportunity to respond to the Motion. None of Plaintiff's arguments concerning the Motion have been waived. Plaintiff may include those arguments, as relevant and

United States District Court
Northern District of California

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in accordance with the undersigned’s Civil Scheduling and Discovery Standing Order, if and when Defendants file a motion to compel pursuant to the extension granted in the Order.

SO ORDERED.

Dated: May 25, 2018



SUSAN VAN KEULEN
United States Magistrate Judge