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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

MARGO G.,

vs.

KARL BLOOMFIELD, et al.,

Plaintiff,

Defendants.

CASE NO. 05cv2242 JM(AJB)

ORDER DENYING EX PARTE
MOTION FOR LEAVE TO FILE
MOTION FOR SUMMARY
JUDGMENT; STRIKING DOCKET
NOS. 88 - 92


Defendants Karl Bloomfield, Douglas Holbrook and Law Offices of Holbrook and Bloomfield move ex parte for leave to file a motion for summary judgment. The Case Management Scheduling Order required that all pretrial motions be filed by January 28, 2008. The Scheduling Order also calendared the final Pretrial Conference for March 28, 2008 and trial on April 28, 2008. (Docket No. 44). In a revised Scheduling Order entered on February 14, 2008, the date for filing all pretrial motions was continued until February 28, 2008 and the date for expert witness discovery continued until March 6, 2008. (Docket No. 53). On April 3, 2008 the court struck Defendant's motion for summary judgment as the motion was filed without first obtaining a hearing date as required by Local Rule 7.1 and Defendants failed to otherwise prosecute the motion for summary judgment. (Docket No. 57). On April 4, 2008 the court attempted to conduct a pretrial conference. However, the parties did not submit a proposed Pretrial Order or otherwise comply with all the requirements of Local Rule 16.1. (Docket No. 58). On April 18, 2008 the court conducted a continued Pretrial Hearing to

1 determine whether the case was ready for trial. (Docket No. 76). With the oversight of Magistrate
2 Judge Battaglia, the parties continued to work to resolve outstanding expert discovery issues. (Docket
3 Nos. 61, 77). On April 23, 2008 the pretrial and trial dates were recalendared, with the final pretrial
4 conference calendared for September 19, 2008. (Docket No. 78).

5 The court denies Defendants' ex parte application as untimely. This case is already nearly
6 three years old, the parties have already received several continuances, and the pretrial conference is
7 calendared for September 19, 2008. Consequently, the court denies the application to calendar the
8 motion for summary judgment and strikes the motion for summary judgment (Docket Nos. 88 - 92)
9 from the Docket.

10 **IT IS SO ORDERED.**

11 DATED: September 15, 2008

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13 _____
14 Hon. Jeffrey T. Miller
15 United States District Judge

16 cc: All parties
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