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

JESUS ROMERO, a Minor, by and through his Guardian ad Litem, MERIDA RAMOS; MARCOS ROMERO, a Minor, by and through his Guardian ad Litem, MERIDA RAMOS; and PERLA ROMERO, a Minor, by and through her Guardian ad Litem, MERIDA RAMOS,

Plaintiff,

v.

MACY’S, INC., fka FEDERATED DEPARTMENT STORES, INC., a Delaware corporation; RALPH LAUREN CORPORATION, a Delaware corporation; and DOES 1 through 50, Inclusive,

Defendant.

CASE NO. 15cv815-GPC(MDD)

ORDER GRANTING IN PART DEFENDANTS’ EX PARTE MOTION TO MODIFY BRIEFING SCHEDULE ON THEIR MOTION FOR SUMMARY JUDGMENT

[Dkt. No. 68.]

On June 29, 2016, Defendants Macy’s Inc., Macy’s West, Inc. and Ralph Lauren Corporation filed an ex parte motion to modify the Court’s briefing schedule on their motion for summary judgment due to vacation plans. (Dkt. No. 68.) Plaintiffs filed an opposition on June 30, 2016 arguing that Defendants failed to comply with Local Civil Rule 83.3(g) by failing to inform the opposing party of their ex parte request by affidavit or declaration. (Dkt. No. 70.) Plaintiffs also assert they are in the midst of discovery and have been in recent discussions with defense counsel concerning the


1 scheduling of depositions and potentially extending discovery deadlines; however,
2 defense counsel did not mention that they intended to file a motion for summary
3 judgment. Despite their objection to defense counsel's conduct, Plaintiffs do not assert
4 they are unable to meet the deadlines shortening the time on briefing or that they seek
5 to extend any discovery deadlines.

6 While the Court agrees with Plaintiffs that Defendants failed to comply with
7 Local Civil Rule 83.3(g)¹ by providing notice of the ex parte motion to Plaintiffs, for
8 purposes of efficiency, the Court GRANTS in part Defendants' ex parte application.

9 Accordingly, IT IS HEREBY ORDERED that any opposition to Defendants'
10 motion for summary judgment be filed on or before **August 12, 2016.** Any reply shall
11 be filed on or before **August 19, 2016.**

12 IT IS SO ORDERED.

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14 DATED: June 30, 2016

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16 HON. GONZALO P. CURIEL
United States District Judge

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26 ¹Local Civil Rule 83.3(g) provides, “[a] motion for an order must not be made
27 ex parte unless it appears by affidavit or declaration (1) that within a reasonable time
28 before the motion the party informed the opposing party or the opposing party's
attorney when and where the motion would be made; or (2) that the party in good faith
attempted to inform the opposing party and the opposing party's attorney but was
unable to do so, specifying the efforts made to inform them; or (3) that for reasons
specified the party should not be required to inform the opposing party or the opposing
party's attorney.”