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

DANIELLE TRUJILLO, as Guardian)
Ad Litem for KADEN PORTER, a)
minor, on behalf of himself and others)
similarly situated; LACEY)
MORALES, as Guardian Ad Litem for)
ISABEL MORALES., a minor, on)
behalf of herself and others similarly)
situated; BEVERLY HOY, on behalf)
of herself and all others similarly)
situated;)

Plaintiffs,)
v.)

AMETEK, INC., a Delaware)
corporation; SENIOR OPERATIONS,)
LLC, a limited liability company; and)
DOES 1 through 100, inclusive,)

Defendants.)

CASE NO.: 3:15-cv-01394-GPC-BGS

ORDER:

**(1) DENYING REQUEST FOR
STATUS CONFERENCE**

[Dkt. No. 81]

**(2) GRANTING REQUEST FOR
BRIEFING SCHEDULE FOR
OBJECTIONS TO PLAINTIFF'S
RESPONSE TO COURT'S *LONE
PINE* ORDER**

[Dkt. No. 77]

1 Before the Court is the parties' Joint Motion Regarding Defendants' Request for
2 a Status Conference or Briefing Schedule Regarding a Challenge to Plaintiff's Response
3 to the *Lone Pine* Case Management Order No. 1 ("Joint Motion"). Dkt. No. 81. In the
4 Joint Motion, Defendants ask the Court for (1) "a status conference in order to address
5 the procedure for raising objections to the sufficiency of Plaintiff's submissions in
6 response to the *Lone Pine* CMO" or (2) in the alternative, "a briefing and hearing
7 schedule for Defendants' motion challenging the sufficiency of said submission." *Id.* at
8 2. Plaintiff opposes Defendants' request, arguing that they lack authority for their
9 request to file a response and that additional briefing is "unprecedented and unfair to
10 Plaintiffs at this early stage of the litigation." Dkt. No. 81 at 7.

11 The Court finds that setting a briefing schedule for Defendants' objections to
12 Plaintiff's *Lone Pine* submission is proper. In *Acuna v. Brown & Root Inc.*, the Fifth
13 Circuit upheld a magistrate judge's decision to dismiss plaintiffs' claims for failure to
14 comply with a *Lone Pine* order. 200 F.3d 335, 340-41 (5th Cir. 2000). And before the
15 magistrate judge had dismissed the plaintiff's claims, the court had issued an order
16 directing the defendant to file a motion to dismiss for failure to comply with the Court's
17 *Lone Pine* order. Order at 1-2, 1998 WL 35283825, No. 96-cv-0543 (W.D. Tex. Feb. 2,
18 1998), ECF No. 67 at 1 ("the deadline for filing a motion to dismiss for failure to
19 comply with the scheduling order is . . .").

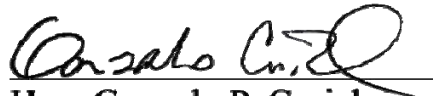
20 Accordingly, the Court **DENIES** Defendants' request for a status conference and
21 **GRANTS** Defendants' request to set a briefing schedule for objections to Plaintiff's
22 *Lone Pine* submission. Defendants may file objections challenging Plaintiff's *prima*
23 *facie* evidence as insufficient pursuant to the Court's Case Management Order No.1,
24 Dkt. No. 71 at 7. Such objections, however, should only consist of argument
25 concerning the deficiencies in Plaintiff's submission and not evidence. In other words,
26 the Court declines Defendants' invitation, *see* Dkt. No. 81 at 6, to convert Plaintiff's
27 *Lone Pine* response and Defendants' subsequent objections into a motion for summary
28 judgment. The Court's inquiry will focus on the adequacy of Plaintiff's showing only.

1 **CONCLUSION**

2 The Court hereby enters the following briefing schedule: Defendants shall file
3 any objections to Plaintiff's *Lone Pine* submission (Dkt. No. 77) by **January 2, 2016**.
4 Plaintiff shall file any reply by **January 23, 2016**. A response to Plaintiff's reply may
5 be filed on or before January 30, 2016.

6 **IT IS SO ORDERED.**

7 Dated: December 2, 2016

8 
9 **Hon. Gonzalo P. Curiel**
10 **United States District Judge**