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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 MICHELLE MORIARTY,

12 Plaintiff,

13 v.

14 COUNTY OF SAN DIEGO, et al.,

15 Defendant.  
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18

Case No.: 17cv1154-LAB (AGS)

**ORDER GRANTING JOINT  
MOTION TO EXTEND BRIEFING  
DATES;**

**ORDER CONTINUING HEARING  
ON MOTION FOR LEAVE TO  
AMEND; AND**

**ADMONITION TO COUNSEL**

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21 On February 15, the parties jointly moved to extend briefing dates on Plaintiff's  
22 motion for leave to amend, which is set for hearing on March 11. The parties represent  
23 that counsel for Correctional Physicians Medical Group would be out of the country on  
24 vacation beginning February 15, and counsel for Plaintiff is in Arizona with a critically ill  
25 family member. As a result, Defendant CPMG asks that its opposition deadline be  
26 continued from February 21 to March 4, and Plaintiff's reply deadline be continued to  
27 March 11. The parties represent that the requested extension will not affect any other  
28 briefing dates.

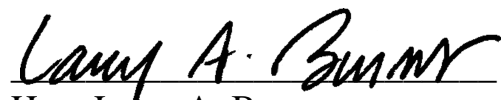
1 Under Civil Local Rule 7.1(e)(1), CPMG's opposition is currently due February 25,  
2 not February 21. Furthermore, a motion for an extension should be filed as early as  
3 possible, to give the Court (and, if applicable, other parties) time to act. Except in unusual  
4 and unavoidable circumstances, seeking an extension on the day one leaves on a pre-  
5 planned vacation is inadvisable.

6 Nevertheless, the Court finds good cause to extend the deadlines, the joint motion  
7 (Docket no. 72) is **GRANTED**. The hearing on the motion for leave to amend,  
8 currently set for March 11, 2019, is **CONTINUED** to **Monday, April 8, 2019 at 11:15**  
9 **a.m.**, which is also the hearing date for Defendant Dr. Alfred Joshua's motion for  
10 partial summary judgment. This continuance does not affect any briefing deadlines,  
11 all of which remain unchanged (except as modified in this order). If the parties believe  
12 further extensions are appropriate, they should seek them by joint motion.

13 The parties apparently miscalculated the deadlines, mistakenly believing that  
14 CPMG's opposition was due February 21, creating a false sense of urgency. It has come to  
15 the Court's attention that a non-attorney called chambers asking whether the extension  
16 would be granted, when, and what CPMG should do. Even bearing in mind that the joint  
17 motion is an uncontested matter, these are improper questions, and furthermore any call  
18 should have been initiated by an attorney. *See* Standing Order in Civil Cases, ¶ 14. In  
19 addition, the parties failed to submit a proposed order as required under local rules. Parties'  
20 failure to comply burdens the Court, tends to cause delay, and creates a risk that the relief  
21 granted will not be what the parties intended to ask for. In future, the parties must comply  
22 with these requirements.

23 **IT IS SO ORDERED.**

24  
25 Date: February 22, 2019

26   
27 Hon. Larry A. Burns  
28 Chief United States District Judge