

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IO GROUP, INC., et al.,

No. C-10-1282 MMC

Plaintiff,

**ORDER SETTING BRIEFING SCHEDULE
AND HEARING ON PLAINTIFFS'
MOTION FOR ORDER FINDING
DEFENDANTS IN CONTEMPT**

v.

GLBT, LTD., et al.,

Defendants.

Before the Court is plaintiffs' "Ex Parte Motion for an Order Finding Defendants in Contempt," filed September 12, 2011.¹

In the motion, plaintiffs request that the Court determine, without affording defendants any opportunity to respond to the motion, whether defendants are in contempt of the Court's August 30, 2011 order. Because a finding of civil contempt may only be imposed "upon notice and an opportunity to be heard," see United States v. Ayres, 166 F.3d 991, 995 (9th Cir. 1999), the Court declines to consider the motion without affording defendants the opportunity to respond, and hereby sets the following briefing schedule and hearing date on the motion:

¹Plaintiffs did not provide a chambers copy of the motion by noon, September 13, 2011, but, rather, provided a chambers copy later in the week. All parties are reminded of their obligation to provide a chambers copy of any document that is electronically filed, no later than noon the day after the document is filed. See General Order 45 § VI.G; see also Standing Orders for Civil Cases Assigned to the Honorable Maxine M. Chesney ¶ 2.

- 1 1. No later than Friday, September 23, 2011, defendants shall file any opposition or
2 other response to the motion.
3 2. No later than Friday, September 30, 2011, plaintiffs shall file any reply.
4 3. Unless the parties are otherwise informed, the Court will conduct a hearing on the
5 motion on October 14, 2011, at 9:00 a.m., in Courtroom 7.

6 **IT IS SO ORDERED.**

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8 Dated: September 16, 2011


MAXINE M. CHESNEY
United States District Judge

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