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

LIBERTY MEDIA HOLDINGS, LLC, a
California corporation,

Plaintiff,

vs.

CARY TABORA, SCHULYER
WHETSTONE,

Defendants.

CASE NO. 11-cv-651 - IEG (JMA)

ORDER

**(1) DENYING JOINT MOTION TO
CONTINUE HEARING ON
DEFENDANT’S MOTION TO
DISMISS**

[Doc. No. 24]

**(2) VACATING HEARING AND
SUBMITTING MOTION TO
DISMISS**

Presently before the Court is the parties’ joint motion to continue the hearing on Defendant Cary Tabora (“Defendant”)’s motion to dismiss Plaintiff’s second amended complaint.¹ [Doc. No. 24.] The parties are seeking a continuance of the hearing because Plaintiff’s counsel will be unable to attend the hearing on December 19, 2011. [Id.]

On November 11, 2011, Defendant filed the motion to dismiss. [Doc. No. 21.] A hearing on the motion is currently scheduled for Monday, December 19, 2011 at 10:30 a.m. Pursuant to Civil Local Rule 7.1(d)(1), the Court determines that this matter is appropriate for resolution without oral argument, submits the motion on the parties’ papers, and vacates the hearing. Plaintiff’s opposition to Defendant’s motion to dismiss shall be filed on or before **Monday**,


¹ Defendant Schulyer Whetstone has not appeared in this action, and the Clerk has entered default against him. [Doc. No. 23.]

1 **December 5, 2011.** Defendant's reply shall be filed on or before **Monday, December 12, 2011.**

2 Because the hearing on the motion to dismiss has been vacated, the Court **DENIES** the joint
3 motion.

4 **IT IS SO ORDERED.**

5 **DATED:** November 22, 2011


6 **IRMA E. GONZALEZ, Chief Judge**
7 **United States District Court**

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