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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

FRESNO ROCK TACO, LLC,
et al.,

CASE NO. CV F 11-0845 LJO BAM

Plaintiff,

ORDER TO VACATE TRIAL

vs.

NATIONAL SURETY CORPORATION,

Defendant.

U.S. District Judge Lawrence O'Neill's official duties preclude him to conduct trial as currently set. As such, this Court:

1. VACATES the April 23, 2012 trial;
2. ORDERS the parties, no later than February 13, 2013, to contact the assigned U.S. Magistrate Judge to set a conference to reset the trial date. All dates other than trial shall remain in effect, unless this Court orders otherwise on a showing of good cause;
3. ORDERS the parties to reconsider consent to a Magistrate Judge to conduct all further proceedings, including trial. The Magistrate Judges' availability is far more realistic and accommodating to parties than that of the U.S. District Judges who carry the heaviest caseloads in the nation and must prioritize criminal and older civil cases over more recently filed civil cases; and
4. ADMONISHES the parties that if trial is reset before a District Judge rather than a Magistrate Judge, the trial will trail indefinitely any higher priority criminal or older civil

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case trials and will not be reset to a continued date.

IT IS SO ORDERED.

Dated: February 6, 2013

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE