	UNITED STA	TES DISTRICT COURT
	EASTERN DIS	TRICT OF CALIFORNIA
TRISHA BUCK,		CASE NO. CV F 13-0701 LJO GSA
	Plaintiff,	ORDER TO VACATE HEARING WITH FILING OF REMAND MOTION
VS.		(Docs. 8, 14)
CEMEX, INC/, et al	l.,	
	Defendants.	
On May 20,	2013, defendants file	d their F.R.Civ.P. 12 motion to dismiss plaintiff's
complaint (doc. 8)	and set a June 25, 20	13 hearing. On June 13, 2013, plaintiff's counsel
advised this Court th	hat he had not received	defendants' motion to dismiss papers. Also on June
13, 2013, plaintiff fi	led her motion to rema	nd (doc. 13), and the parties filed their stipulation to

continue the June 25, 2013 hearing to July 2, 2013 (doc. 14). This Court does not rule on motions to dismiss until its jurisdiction and remand issues are settled. In addition, this Court's practice is to decide motions on the record without a hearing. As such, this Court:

1. VACATES the June 25, 2013 hearing on defendants' motion to dismiss and ORDERS the parties not to appear on June 25, 2013;

1	2. ORDERS defendants, no later than 20 days after issuance of a remand order, to		
2	file and serve papers to respond to plaintiffs' complaint, unless this action is remanded to state		
3	court. Such response may include a renewed motion to dismiss; and		
4	3. DIRECTS the clerk to term the F.R.Civ.P. 12 motion to dismiss (doc. 8).		
5	This Court will take no further action on defendants' F.R.Civ.P. 12 motion to dismiss		
6	until a remand order is issued and a renewed motion to dismiss is properly set before this Court.		
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9	IT IS SO ORDERED.		
10	Dated: June 14, 2013 /s/ Lawrence J. O'Neill		
11	UNITED STATES DISTRICT JUDGE		
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