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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

MARIA ELENA DIAZ,

Plaintiff,

v.

CARMAX AUTO SUPERSTORES  
CALIFORNIA, LLC,

Defendant.

Case No. 1:15-cv-00523-AWI-SAB

ORDER VACATING MAY 13, 2015  
HEARING AND STAYING DEFENDANT'S  
MOTION TO DISMISS AND MOTION TO  
STAY AND SETTING HEARING ON  
PLAINTIFF'S MOTION TO REMAND FOR  
JUNE 10, 2015

On February 19, 2015, Plaintiff Maria Elena Diaz filed this action in the California Superior Court for the County of Stanislaus. Defendant removed the action to the Eastern District of California on April 3, 2015. On April 7, 2015, Defendant filed a motion to dismiss and motion to strike. The motions were referred to the undersigned and a hearing is set for May 13, 2015.

On April 20, 2015, Plaintiff filed a motion to remand this action back to the state court. The motion to remand was referred to the undersigned by District Judge Anthony Ishii. Plaintiff's motion to remand is based on a lack of jurisdiction. Since Plaintiff is challenging this Court's jurisdiction, the motion to dismiss shall be stayed pending resolution of the motion to remand.

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1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. A hearing on Plaintiff's motion to remand is set before the undersigned on June  
3 10, 2015 at 10:00 a.m. in Courtroom 9;
- 4 2. The hearing on Defendant's motion to dismiss and motion to strike set for May  
5 13, 2015 is vacated; and
- 6 3. Defendant's motion to dismiss and motion to strike are stayed pending resolution  
7 of the motion to remand.

8  
9 IT IS SO ORDERED.

10 Dated: April 22, 2015

  
UNITED STATES MAGISTRATE JUDGE