

1 The Court is not willing to further continue the already
2 scheduled hearing. Rather, Defendant's Motion to Dismiss is
3 DENIED without prejudice and Defendant is directed to re-file
4 this Motion, should it so choose, at such time that the parties
5 are prepared to schedule a hearing and to follow the briefing
6 schedule prescribed by the Local Rules.

7 IT IS SO ORDERED.

8 Dated: January 26, 2009

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11 MORRISON C. ENGLAND, JR.
12 UNITED STATES DISTRICT JUDGE
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