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

BARRY AVERS, et al.,
Plaintiffs,

No. CIV S-08-2737 LKK DAD PS

v.

AGRYLIN, et al.,
Defendants.

ORDER

_____/

This matter came before the court on January 9, 2009 for hearing of the motion to dismiss filed by defendant Shire Pharmaceuticals Group plc on November 21, 2008. Plaintiff Janet Avers appeared in propria persona. No appearance was made by plaintiff Barry Avers, who is also proceeding pro se. Thomas M. Frieder appeared as counsel for the moving defendant.

Plaintiff Janet Avers made an oral request for an extension of time to seek counsel and oppose defendant's motion. In the interests of justice, plaintiff's request was granted and the hearing was continued to February 20, 2009, as set forth more fully below.

IT IS ORDERED that:

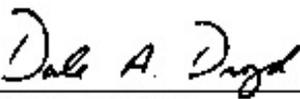
1. The hearing of defendant Shire Pharmaceuticals Group plc's motion to dismiss (Doc. No. 8) is continued to **February 20, 2009, at 10:00 a.m.** in Courtroom 27 before the undersigned. Any party may appear at the hearing telephonically. To arrange telephonic

1 appearance, the party shall contact Pete Buzo, at (916) 930-4128, no later than 4:00 p.m. on
2 February 18, 2009.

3 2. Plaintiffs' opposition or statement of non-opposition to the motion to dismiss
4 shall be filed on or before February 6, 2009. Plaintiffs' opposition or statement of non-
5 opposition shall be served on defendant's counsel by mail, and proof of such service shall be
6 attached to the opposition or statement of non-opposition filed with the court.

7 3. Defendant's reply to any opposition filed by plaintiffs shall be filed and served
8 on or before February 13, 2009. Any reply should address the court's concerns about removal
9 jurisdiction.

10 DATED: January 9, 2009.

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14 DALE A. DROZD
15 UNITED STATES MAGISTRATE JUDGE

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