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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

\_\_\_\_\_ /

In accordance with this court’s order filed January 12, 2009, plaintiffs have filed timely opposition to defendant Shire Pharmaceuticals Group plc’s pending motion to dismiss. Plaintiffs’ newly retained counsel have also requested a two-week extension to file a further opposition. Good cause appearing, the request will be granted.

Plaintiffs’ counsel are informed that any substitution of counsel for parties proceeding in propria persona requires the approval of the court. See Local Rule 83-182(g). A proposed substitution of attorneys that complies with Local Rule 83-182(g) must be electronically filed and submitted by email to the Honorable Lawrence K. Karlton in accordance with Local Rule 5-137(b).

Upon substitution of counsel for the pro se plaintiffs, this case will be referred back to the assigned district judge pursuant to Local Rule 72-302(c)(21), absent the consent of all

1 parties to proceed before the magistrate judge for all purposes. If the case is referred back to the  
2 assigned district judge, the pending motion to dismiss will be re-calendared for hearing before  
3 the district judge.

4 Accordingly, IT IS ORDERED that:

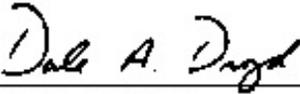
5 1. Plaintiffs' proposed substitution of attorneys shall be filed and submitted by  
6 email in accordance with Local Rules 5-137(b) and 83-182(g) within fifteen days after this order  
7 is filed.

8 2. The hearing of defendant Shire Pharmaceuticals Group plc's motion to dismiss  
9 (Doc. No. 8) is dropped from this court's February 20, 2009 calendar and will be re-calendared at  
10 a later time.

11 3. Plaintiffs' further opposition to defendant's motion to dismiss shall be filed on  
12 or before February 20, 2009.

13 4. Defendant shall file a reply to plaintiffs' opposition on or before February 27,  
14 2009, and the reply shall address the court's concerns and plaintiffs' arguments regarding  
15 removal jurisdiction.

16 DATED: February 9, 2009.

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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

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