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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID MERINO; STEVE  
MARANVILLE; KARA MERINO;  
BRENDA MARANVILLE,

NO. CIV. S-10-2152 LKK/DAD

Plaintiffs,

v.

O R D E R

EL DORADO HILLS COUNTY  
WATER DISTRICT; and  
DOES 1-50,

Defendants.

\_\_\_\_\_ /

1. Defendant's dismissal motion - as it relates to plaintiffs' procedural due process claim - presented matters outside the complaint. (Dkt. No. 27-2). Plaintiff has not objected to the court's consideration of those materials. The court believes that those materials should not be excluded, and indeed are appropriate for consideration, as they may be pertinent to the merits of the procedural due process claim. Accordingly, defendant's motion is hereby **CONVERTED** to a summary judgment motion pursuant to Fed. R. Civ. P. 12(d).

1           2.     Plaintiffs shall have until September 22, 2011 to present  
2 materials and briefing in opposition to defendant's converted  
3 summary judgment motion and to the materials submitted with it  
4 (namely, the Bair Declaration and its Exhibits). Defendant shall  
5 have until October 6, 2011 to present materials and briefing in  
6 Reply.


7           3.     No party shall provide any further briefing or materials  
8 on any other claim in the complaint or any other matter raised in  
9 the original dismissal motion.

10          4.     The hearing previously scheduled for September 12, 2011  
11 is hereby **RESCHEDULED** to October 24, 2011, at 10:00 am. At that  
12 time the court will hear argument on the converted summary judgment  
13 motion, and on all other matters raised in the original dismissal  
14 motion.

15           IT IS SO ORDERED.

16           DATED:   September 8, 2011.

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LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT