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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LEVERT J. HORNER, an individual; BARBARA HORNER, an individual,  
Plaintiffs,

NO. CIV. S-12-0666 LKK/KJN

v.

O R D E R

SELECT PORTFOLIO SERVICING, INC., a business entity, and DOES 1 through 50, inclusive,  
Defendants.

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Plaintiffs' original complaint was removed to this court on March 16, 2012. ECF No. 1. On March 23, 2012, defendant Select Portfolio filed a Motion to Dismiss the complaint and a Motion to Expunge the Notice of Pendency Action. ECF Nos. 6 and 7. Those motions were set for hearing on May 21, 2012. Plaintiffs filed an Amended Complaint on April 13, 2012. ECF No. 8. Plaintiff did not file an opposition or statement of non-opposition to the Motion to Expunge, and the deadline for doing so has passed. Defendants filed another Motion to Dismiss on April 30, 2012. ECF No. 10. That

1 motion is set for hearing on June 18, 2012.

2 In light of the foregoing, the court ORDERS as follows:

3 [1] The first Motion to Dismiss, ECF No. 6, is DENIED as  
4 MOOT. The hearing currently scheduled for May 21, 2012  
5 is VACATED.

6 [2] The hearing on defendant's Motion to Expunge the  
7 Notice of Pendency Action is CONTINUED to June 18, 2012.  
8 Plaintiffs SHALL file an opposition or statement of non-  
9 opposition to the Motion to Expunge no later than June  
10 4, 2012.

11 [3] The status conference currently set for May 29, 2012  
12 at 11:30 a.m. is CONTINUED to August 6, 2012 at 2:30  
13 p.m.

14 IT IS SO ORDERED.

15 DATED: May 14, 2012.

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LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT