UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

MARLENE ALSUP,

Plaintiff,

v.

U.S. BANCORP and DOES 1 to 5, inclusive,

Defendants.

No. 2:14-cv-01515-KJM-DAD

ORDER

On October 10, 2014, the court held a hearing on the defendant's motion to dismiss. Sheri Leonard appeared on behalf of the plaintiff, Marlene Alsup, and Emilie Woodhead and Joan Fife appeared on behalf of the defendant, U.S. Bank.

During the hearing, the plaintiff referred the court to *Diaz v. Federal Express Corp.*, 373 F. Supp. 2d 1034 (C.D. Cal. 2005), a case the parties had not previously cited or discussed in their briefing. On October 14, 2015, the defendants requested leave to file a supplemental brief on the applicability of *Diaz*, ECF No. 16, and filed a short proposed brief, ECF No. 16-1.

////

////

////

Defendant's request is granted and its supplemental brief is deemed filed as of the date its proposed brief was filed. If plaintiff wishes to respond, it may file a brief of five or fewer pages no later than seven days from the issuance of this order. Thereafter the matter will be submitted.

IT IS SO ORDERED.

DATED: October 15, 2014.

UNITED STATES DISTRICT JUDGE