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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TIMOTHY DEMARTINI, et al.,
Plaintiffs,
v.
MICHAEL DEMARTINI, et al.,
Defendants.

No. 2:14-cv-2722 JAM CKD PS

ORDER

Calendared for hearing on April 19, 2017 is plaintiffs’ motion to amend the complaint and motion to require defendants to post a bond and dismiss the complaint. Those matters have been fully briefed. Calendared for hearing on April 26, 2017 is plaintiffs’ motion for summary judgment. No opposition or reply have yet been filed with respect to that motion.

Plaintiffs’ motion to require defendants to post a bond is brought under Local Rule 151(b), which in turn adopts the provisions of Title 3A, part 2, of the California Code of Civil Procedure. Under California Code of Civil Procedure § 391.6, this action was automatically stayed upon filing of the motion. That section further provides that the stay remains in effect for ten days “after the denial of the motion or the furnishing of the required security as the court shall determine.” Cal. Code Civ. P. § 391.6.

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Accordingly, IT IS HEREBY ORDERED that:

1. The hearing date of April 19, 2017 on plaintiffs' motion to amend the complaint and motion to require defendants to post a bond and dismiss the complaint is vacated. Those matters are submitted on the briefs. Resolution of the motion to amend will be made after expiration of the automatic stay.

2. The hearing date of April 26, 2017 on plaintiffs' motion for summary judgment is vacated. A briefing schedule shall be set after expiration of the automatic stay.

Dated: April 10, 2017



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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