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Accordingly, IT IS HEREBY ORDERED that:

1. The June 1, 2017 hearing on defendant’s motion to dismiss is VACATED, and defendant’s counsel’s request to appear telephonically at that hearing is DENIED WITHOUT PREJUDICE as moot.
2. Plaintiff shall file an opposition or statement of non-opposition to the motion no later than June 8, 2017.
3. Any reply brief by defendant shall be due no later than June 22, 2017.
4. Thereafter, the motion will be submitted for decision on the record and written briefing pursuant to Local Rule 230(g). If the court subsequently determines that supplemental briefing or oral argument is necessary, the parties will be notified.
5. Failure to timely file an opposition or statement of non-opposition to the motion to dismiss will be construed as plaintiff’s consent to dismissal of the action and will result in dismissal of the action with prejudice pursuant to Federal Rule of Civil Procedure 41(b).

IT IS SO ORDERED.

Dated: May 24, 2017

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE