

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UTHE TECHNOLOGY CORP,

No. C 95-02377 WHA

Plaintiff,

v.

HARRY ALLEN and AETRIUM, INC.,

**ORDER LIFTING STAY AND  
SETTING BRIEFING SCHEDULE**

Defendants.

The Supreme Court issued its decision in *RJR Nabisco, Inc. v. The European Community*, 579 U.S. \_\_\_\_ (2016). The stay pending that decision is hereby **LIFTED**. That decision held that a private RICO plaintiff must allege a domestic injury. Defendants contend that plaintiff's only remaining claim relates to a foreign injury under *RJR Nabisco, Inc.*, and therefore seeks leave to file a summary judgment motion directed at that issue.

Defendants shall file a motion *directed solely at the extraterritoriality issue* by **JULY 14**, to be noticed on the normal 35-day calendar. A further case management conference is hereby set for **AUGUST 18, AT 8:00 A.M.**, to occur in conjunction with the hearing on defendants' anticipated motion. As noted in the order staying the case, if summary judgment is denied, the trial will be scheduled to occur very shortly thereafter.

**IT IS SO ORDERED.**

Dated: June 24, 2016.

  
\_\_\_\_\_  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE