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

EMIL ALPERIN, et al.,

Plaintiffs,

v.

THE FRANCISCAN ORDER, et al.,

Defendants.

No. C-99-4941 MMC

**ORDER RE: HEARING DATE FOR
DEFENDANT OFM'S MOTION TO
DISMISS; CONTINUING STATUS
CONFERENCE**

The Court is in receipt of the Joint Status Conference Statement, filed May 15, 2009 by plaintiffs and defendant The Franciscan Order ("OFM"), wherein said parties set forth their dispute with respect to the scheduling of OFM's motion to dismiss, which motion OFM expects to file on or before June 1, 2009.

The Court will not at this time preclude OFM from noticing said motion for hearing on a date to be selected hereafter by OFM. Should the date selected by OFM prove to be inconvenient for plaintiffs, or otherwise unacceptable to them, the Court will consider a request to change the date.

Further, in light of OFM's stated intent to file a motion to dismiss, the Status Conference currently scheduled for May 22, 2009 is hereby CONTINUED to August 28, 2009. A Joint Status Conference Statement shall be filed no later than August 21, 2009.

IT IS SO ORDERED.

Dated: May 19, 2009


MAXINE M. CHESNEY
United States District Judge