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4 IN THE UNITED STATES DISTRICT COURT
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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7 EDWARD ALVARADO, *et al.*,

No. C 04-0098 SI, No. C 04-0099 SI

8 Plaintiffs,

**ORDER RE: DEFENDANT'S MOTION
FOR COUNTERCLAIM AND
INTERPLEADER RELIEF**

9 v.

10 FEDERAL EXPRESS CORPORATION,

11 Defendant.
12 _____/

13 Defendant's motion for counterclaim and interpleader relief is scheduled for a hearing on
14 October 7, 2010. Plaintiff and lienholders/claimants Mr. McCoy and Ms. Parker have filed responses
15 to the motion. The parties and claimants appear to agree that the interpled amount should be limited to
16 40% of the deposited funds, and that the remaining 60% should be immediately distributed to Mr.
17 Alvarado. Plaintiff's response also states that FedEx must deposit an additional \$1,439.96 awarded as
18 costs on appeal, and that FedEx has agreed to deposit the additional amount; presumably the \$1,439.96
19 should also be immediately distributed to Mr. Alvarado.

20 In light of the fact that no one has objected to defendant's motion, the Court is inclined to vacate
21 the hearing and grant the motion, and set a briefing schedule to resolve the competing claims to the
22 interpled funds. If any party or claimant believes that a hearing on the motion is necessary, the party
23 or claimant shall file a letter to that effect no later than **noon on October 5, 2010**. If the Court receives
24 no requests to keep the motion on calendar, the matter shall be deemed submitted and the Court will
25 issue an order shortly. Defendant is directed to file a proposed order no later than **October 7, 2010**.

26 **IT IS SO ORDERED.**

27 Dated: October 1, 2010



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SUSAN ILLSTON
United States District Judge