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NOT FOR CITATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re: BOOK PEOPLE EMPLOYEES
ASSOCIATION, INC., a California
Corporation,

Debtor.

BOOK PEOPLE EMPLOYEES
ASSOCIATION, INC., Debtor-in-
Possession,

Plaintiff,

v.

BARNES & NOBLE, INC.,

Defendant.

No. C 05-3104 PJH
BK Adv. Case No. 04-4350 AJ

**ORDER VACATING CMC AND
SETTING BRIEFING
SCHEDULE REGARDING
WITHDRAWAL OF REFERENCE**

This matter is before this court following the bankruptcy court's July 7, 2005 order recommending withdrawal of the bankruptcy court's reference under 28 U.S.C. § 157(d), pursuant to Bankruptcy L.R. 5011-2(b).

Defendant is ORDERED to file and serve an opening brief regarding the propriety of withdrawal of the reference **no later than September 15, 2005**. Plaintiff shall file and serve a response within **14 days** of defendant's opening brief. Defendant may file a reply, if any, within **7 days** of plaintiff's response. In addition to the briefs, **the parties should file with this court any pertinent exhibits, including relevant documents and portions**

United States District Court
For the Northern District of California

1 **of the record previously filed with the bankruptcy court.**

2 Unless the parties are notified otherwise, the matter will be decided on the papers
3 once it is fully briefed. No hearing will be necessary.

4 The case management conference currently set for November 3, 2005 is VACATED.
5 This court will set a CMC, if necessary, at the time that it issues an order regarding the
6 withdrawal of the bankruptcy court's reference.

7 **IT IS SO ORDERED.**

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9 Dated: August 15, 2005



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PHYLLIS J. HAMILTON
United States District Judge

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