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United States District Court  
For the Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JEANNE NOLAN,  
Plaintiff,  
v.  
HEALD COLLEGE,  
Defendants.

No. C 05-3399 VRW (JL)

**BRIEFING ORDER**

The Court has sua sponte become aware of the case of *Montour v Hartford Life & Accident*, 588 F.3d 623 (9<sup>th</sup> Cir. 2009). Neither party addressed this case in their pleadings on the motion for partial findings, most likely because the opinion issued in November 2009, after the motion was fully briefed. The Court finds that the decision in *Montour* is apposite to this case, and hereby orders the parties to file within thirty days of this order simultaneous briefs applying the law as articulated in *Montour* to the facts of this case. The parties may respond within two weeks to each other's briefs and the matter will be submitted at that time.

IT IS SO ORDERED.

DATED: February 22, 2010

  
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JAMES LARSON  
United States Magistrate Judge