

United States District Court
For the Northern District of California

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

GERALD VON BARGEN, et al.,

No. C 06-4744 MEJ

Plaintiff(s),

ORDER VACATING ORDER TO SHOW CAUSE

vs.

ORDER SCHEDULING HEARING AND BRIEFING SCHEDULE RE: MOTION TO EXCEED GOVERNMENT CLAIM

UNITED STATES OF AMERICA, et al.,

Defendant(s).

Pending before the Court is Plaintiffs' Motion to Permit an Action which Exceeds the Total Amount of Government Claim, (Dkt #41). As Plaintiffs failed to file a reply in response to Defendants' opposition to the motion, the Court ordered Plaintiffs to show cause why their motion should not be denied for failure to respond. The Court is now in receipt of Plaintiffs' counsel's declarations, filed April 2, 2009. (Dkt. ## 51, 52.) Good cause appearing, the Court hereby VACATES the April 9, 2009 Order to Show Cause hearing.

So that their motion to exceed may proceed on the merits, Plaintiffs shall file any reply by April 16, 2009. Given this extension, the Court shall also permit Defendants to file a sur-reply by April 30, 2009. The hearing on Plaintiffs' motion shall take place on May 21, 2009 at 10:00 a.m. in Courtroom B.

IT IS SO ORDERED.

Dated: April 2, 2009



MARIA ELENA JAMES
United States Magistrate Judge