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## UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

U-HAUL CO. OF CALIFORNIA *et al.*,

No. C 08-02313 LB

Plaintiffs,

v.

**ORDER SETTING CASE  
MANAGEMENT CONFERENCE AND  
DENYING WITHOUT PREJUDICE  
DEFENDANT'S MOTION TO  
DISMISS**

CITY OF BERKELEY,

Defendant.

[Re: ECF No. 69]

This action has been stayed since September 3, 2008, pending the resolution of a parallel action in California state court. Order Staying Case, ECF No. 33; *see City of Berkeley v. U-Haul Co. of California, et al.*, Alameda County Superior Court Case No. RG08-388586. Since the case was reassigned to the undersigned in January 2010, the court has required the parties to submit status reports to update it about the state court action. In the most recent status report (which, the court notes, was prepared and filed by Defendant only), Defendant states that a final judgment was reached in the parallel action and that all appeals have been exhausted. *See* 9/27/2012 Status Update, ECF No. 69.

So, to discuss whether the stay should be lifted and how best to proceed, the court **SETS** a Further Case Management Conference to take place **at 10:30 a.m. on November 1, 2012** in Courtroom C, 15th Floor, United States District Court, 450 Golden Gate Avenue, San Francisco, California, 94102. The parties shall file a Joint Case Management Conference Statement no later than October 25, 2012.


C 08-02313 LB  
ORDER

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Moreover, under the circumstances, the court **DENIES WITHOUT PREJUDICE** Defendant's pending motion to dismiss. *See* Motion to Dismiss, ECF No. 9. At the November 1, 2012 Case Management Conference, the court and the parties can discuss whether Defendant still wants to move to dismiss Plaintiff's complaint, and, if it does, when and how it may file a new motion.

**IT IS SO ORDERED.**

Dated: October 3, 2012

  
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LAUREL BEELER  
United States Magistrate Judge