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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

ELLEN STOODY-BROSER,

Plaintiff,

No. C 08-02705 JSW

v.

BANK OF AMERICA, N.A. and BANK OF
AMERICA CORPORATION,

Defendants.

**AMENDED ORDER GRANTING
DEFENDANTS' MOTION TO
STAY RULING ON MOTION TO
DISMISS**

Now before the Court is Defendants' motion to stay this Court's ruling on the motion to dismiss, for leave to take limited discovery, and to amend Defendants' motion to dismiss. (Docket No. 51). This matter is set for a hearing on January 23, 2009. The Court finds that this matter is appropriate for disposition without oral argument and it is hereby deemed submitted. *See* Civ. L.R. 7-1(b). Accordingly, the hearing set for January 23, 2009 on Defendants' motion to stay is VACATED.

Having carefully reviewed the parties' papers and considered their arguments and the relevant legal authority, and good cause appearing, the Court grants Defendants' motion. The Court finds that it is appropriate to allow Defendants to conduct limited discovery on the scope of the relationship, if any, between Plaintiff's counsel and counsel for the plaintiffs in the other similar cases discussed in Defendants' motion. Therefore, the Court HEREBY CONTINUES the hearing on Defendants' motion to dismiss and Defendants' motion to stay this action pending a ruling on the motion to dismiss to May 15, 2009 at 9:00 a.m. Defendants shall file

1 their amended motion to dismiss, if any, by no later than April 3, 2009. If Defendants file an
2 amended motion, Plaintiff shall file an amended opposition by no later than April 17, 2009, and
3 Defendants shall file an amended reply by no later than April 24, 2009.

4 The Court FURTHER ORDERS that the case management conference scheduled for
5 February 13, 2009 is CONTINUED to May 15, 2009 immediately following the hearing on
6 Defendants' motion to dismiss and Defendants' motion to stay this action pending a ruling on
7 the motion to dismiss. Pursuant to Local Rule 72-1, the Court hereby refers discovery disputes
8 in this matter to a randomly assigned magistrate judge for resolution.

9 **IT IS SO ORDERED.**

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Dated: January 15, 2009



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

cc: Wings Hom