

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

ASIS INTERNET SERVICES,

No. C-08-03186 EDL

Plaintiff,

ORDER

v.

RICHARD RAUSCH, et al.,

Defendants.

On January 19, 2010, the Court held a hearing on Plaintiff's Motion for Summary Judgment, which was brought against Defendant Edward Heckerson only. Defendant Heckerson did not file an opposition to the Motion for Summary Judgment despite the Court's continuance of the December 22, 2009 hearing date to give Mr. Heckerson an opportunity to oppose. Defendant Heckerson also failed to appear to the January 19, 2010 hearing.

As discussed with Plaintiff's counsel at the hearing, the Court defers ruling on Plaintiff's Motion. No later than February 9, 2010, Plaintiff shall either file additional declarations to support Plaintiff's standing to bring this lawsuit or inform the Court that Plaintiff will submit the Motion on the evidence currently in the record.

In addition, only Plaintiff and Defendant Heckerson have consented to the Court's jurisdiction pursuant to 28 U.S.C. § 636(c). Default was entered against Defendant Rausch, and Defendant Whiting has answered the complaint but has not consented to magistrate judge jurisdiction. Accordingly, Plaintiff shall also inform the Court by February 9, 2010 whether it will

1 dismiss the other Defendants from this case as discussed at the hearing or whether Plaintiff requests
2 that the Court sever the case against Defendant Heckerson to be heard by this Court.

3 **IT IS SO ORDERED.**

4 Dated: January 21, 2010

Elizabeth D. Laporte

ELIZABETH D. LAPORTE
United States Magistrate Judge

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28