IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALCOLM COOMBS, et al.,

Plaintiffs,

v.

RICHARD M. MUNOZ, et al.,

Defendants.
_____/

No. C 09-00192 JSW

ORDER CONTINUING HEARING

Now before the Court for consideration are the Motion to Enforce Settlement Agreement or, in the Alternative, for Summary Judgment as to Plaintiffs' Claims, or, in the Alternative a Motion to Stay the Proceedings and the Motion to Dismiss First Amended Complaint for Failure to Join a Necessary Party and Lack of Subject Matter Jurisdiction, filed by Defendants Richard M. Munoz, in his capacity as executor of the will of Rogan Mal Coombs, and Richard M. Munoz, in his individual capacity. The Court has received the parties' supplemental briefing, and the parties' status report regarding the concurrent motion to enforce settlement pending in the State Court.

The matter is ripe for submission and currently is set for oral argument on December 4, 2009. Pursuant to the parties' status report, the state court was schedule to hear oral argument regarding the motion to enforce on November 2, 2009. In light issues raised by the parties with respect to the stock certificate that is the focus of the current dispute, the Court desires the benefit of the State Court's view of the matter.

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Accordingly, the hearing set for December 4, 2009 is HEREBY CONTINUED to January 15, 2010 at 9:00 a.m.. The parties shall provide the Court with a joint status report of the State Court litigation by no later than December 11, 2009, and shall include a copy of the State Court's ruling. If the State Court has not issued a ruling by that date, the parties shall submit a copy of the ruling once it has been issued.

If the parties are able to come to a mutual agreement to resolve the issue of the stock certificate prior to the next hearing date, they shall immediately inform the Court in writing and shall file a notice of dismissal of this action by that date.

IT IS SO ORDERED.

Dated: December 1, 2009

JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE