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

SERVICE EMPLOYEES INTERNATIONAL UNION,  
DAVID REGAN and ELISEO MEDINA, as trustees for  
SEIU UNITED HEALTHCARE WORKERS-WEST  
and fiduciaries of the SEIU UNITED HEALTHCARE  
WORKERS-WEST AND JOINT EMPLOYER  
EDUCATION FUND, SEIU UNITED HEALTHCARE  
WORKERS-WEST, an unincorporated association and  
fiduciary of the SEIU UNITED HEALTHCARE  
WORKERS-WEST AND JOINT EMPLOYER  
EDUCATION FUND, and REBECCA COLLINS, as a  
participant in the SEIU UNITED HEALTHCARE  
WORKERS-WEST AND JOINT EMPLOYER  
EDUCATION FUND,

Plaintiffs,

v.

SAL ROSELLI, JORGE RODRIGUEZ, JOAN  
EMSLIE, JOHN BORSOS, JOHN VELLARDITA,  
GABE KRISTAL, PAUL KUMAR, MARTHA  
FIGUEROA, BARBARA LEWIS, PHYLLIS  
WILLETT, DANIEL MARTIN, LAURA KURRE,  
RALPH CORNEJO, WILL CLAYTON, GLENN  
GOLDSTEIN, FRED SEAVEY, MARK KIPFER,  
AARON BRICKMAN, IAN SELDEN, GAIL  
BUHLER, FREJA NELSON, ANDREW REID,  
NATIONAL UNION OF HEALTHCARE WORKERS;  
MARYRUTH GROSS, CONNIE WILSON, ARLENE  
PEASNALL, CHERIE KUNOLD, FAYE LINCOLN,  
and DOES 1 through 100, inclusive,

Defendants.

No. C 09-00404 WHA

**ORDER REGARDING  
DEFENDANTS'  
REQUEST TO  
CONVERT MOTION  
AND RESCHEDULE  
HEARING**


Defendants have filed a request that their motion to dismiss (Dkt. No. 161) be treated as a motion for summary judgment pursuant to Rule 12(d), and that it be heard in conjunction with plaintiffs' motion for partial summary judgment (Dkt. No. 171) because both motions concern

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the second claim for relief. The request is **GRANTED**. The hearing on plaintiffs' motion for partial summary judgment is hereby rescheduled from June 11 to **JUNE 4, 2009**, so that the two motions may be heard together.

**IT IS SO ORDERED.**

Dated: May 22, 2009.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE