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

JOSE ESPARZA,

Plaintiff,

No. C 09-00449 JSW

v.

UNITED STATES DEPARTMENT OF  
AGRICULTURE,

Defendant.

**ORDER SETTING BRIEFING  
SCHEDULE ON MOTION FOR  
JUDGMENT ON THE  
PLEADINGS**

\_\_\_\_\_ /

This matter is set for a hearing on November 6, 2009 on Defendant's motion for judgment on the pleadings on Plaintiff's second cause of action for lack of subject matter jurisdiction. The Court HEREBY ORDERS that any opposition to the motion shall be filed by no later than September 29, 2009 and a reply brief, if any, shall be filed by no later than October 6, 2009.

If the Court determines that the matter is suitable for resolution without oral argument, it will so advise the parties in advance of the hearing date. If the parties wish to modify this schedule, they may submit for the Court's consideration a stipulation and proposed order demonstrating good cause for any modification requested.

**IT IS SO ORDERED.**

Dated: September 15, 2009

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE