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

SHARON S. HENRY,  
Plaintiff,

No. C 09-00628 CRB

**ORDER**

v.

BANK OF AMERICA CORPORATION, et  
al.,  
Defendants.

On April 17, 2009, the Court issued an Order denying Defendant Bank of America's (BofA) motion to strike without prejudice so as to allow further limited discovery. See Dkt. 22. The Court has received a letter from the parties seeking guidance on two issues: (1) whether Defendant BofA must file a responsive pleading before it renews its motion to strike, and (2) whether the Order allows Plaintiff Sharon Henry to propound requests for admissions and interrogatories.

As to the first question, the Court hereby orders that Defendant BofA need not file a responsive pleading before and if it renews its motion to strike. The Court's Order specifically contemplated that Henry would be permitted to conduct limited discovery. BofA would then be able to renew its motion to strike if, after discovery is completed, it maintains its position that there is no probability of success on the merits.

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As to the second question, the Court will permit Plaintiff to propound requests for admissions and interrogatories. The Court's Order specified that Plaintiff's discovery is to be limited to (1) one deposition and (2) information regarding BofA's procedures for dealing with checks such as the one at issue. Plaintiff may use requests for admissions and interrogatories for obtaining such information.

**IT IS SO ORDERED.**

Dated: May 27, 2009

  
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CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE