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

JERRY TRAHAN,

Plaintiff,

No. C 09-03111 JSW

v.

U.S. BANK NATIONAL ASSOC.,

Defendant.

**ORDER RESETTING HEARING
ON MOTION TO REMAND,
VACATING CASE
MANAGEMENT CONFERENCE,
AND NOTICE OF QUESTION
FOR HEARING**

The Court previously vacated the hearing set on Plaintiff's motion to remand, which was noticed for October 16, 2009. Upon further review of the papers, the Court SHALL hear the motion on October 16, 2009.

If due to the Court's prior order the parties are no longer able to appear on that date, they shall meet and confer and submit a stipulation and proposed order by no later than October 15, 2009, setting the hearing on any of the following dates: October 30, 2009, November 6, 2009, or November 13, 2009. The case management conference set for November 6, 2009 is VACATED pending further order of the Court.

The Court has reviewed the parties' memoranda of points and authorities and, thus, does not wish to hear the parties reargue matters addressed in those pleadings. If the parties intend to rely on legal authorities not cited in their briefs, they are ORDERED to notify the Court and opposing counsel of these authorities reasonably in advance of the hearing and to make copies available at the hearing.

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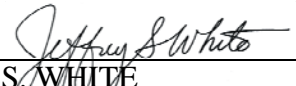
If the parties submit such additional authorities, they are ORDERED to submit the citations to the authorities only, with pin cites and without argument or additional briefing. *Cf.* N.D. Civil Local Rule 7-3(d). The parties will be given the opportunity at oral argument to explain their reliance on such authority. The Court also suggests that associates or of counsel attorneys who are working on this case be permitted to address some or all of the Court's questions contained herein.

The Court reserves issuing a tentative ruling on the motion, but the parties shall be prepared to address the following question:

1. There is a dispute between the parties regarding the number of workweeks that should be used to determine the amount of potential overtime compensation. On what legal authority do the parties rely to support their calculations?

IT IS SO ORDERED.

Dated: October 13, 2009



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE