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28IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARY SCALA,

Plaintiff,

v.

CITICORP INC., ET AL.,

Defendants.

No. C 10-03859 CRB

**ORDER REQUESTING  
SUPPLEMENTAL BRIEFING**

Now pending before the Court is Defendants' Motion to Dismiss pursuant to Rule 12(b)(6) (dckt. no. 14). At the motion hearing on January 28, 2011, the Court granted the parties leave to file supplemental briefs setting forth additional authority that was raised for the first time at the motion hearing. Plaintiffs filed their supplemental brief on February 7, 2011 (dckt. no. 33) and Defendants responded on February 17, 2011 (dckt. no. 35).

The Court now requests additional input from the parties. In simultaneously-filed briefs of ten pages or less, the parties are to set forth their views of whether Plaintiffs' suit would be a "covered class action" within the meaning of 15 U.S.C. § 78bb(f)(5)(B)(i)(II), even if the Complaint were amended to include 49 or fewer plaintiffs. Briefs must be filed

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1 no later than 5:00pm on Tuesday, March 8.

2 **IT IS SO ORDERED.**



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4 Dated: March 1, 2011

CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE

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