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

FRANK DITTO,

No. C 10-03979 WHA

Plaintiff,

v.

**ORDER VACATING MEET-AND-
CONFER AND HEARING
REGARDING DISCOVERY DISPUTE**

LONG BEACH MORTGAGE COMPANY
and CALIFORNIA RECONVEYANCE,

Defendants.

Plaintiff has filed a submission in response to defendant California Reconveyance Company’s discovery motion that indicates an intent to dismiss defendant from this action and discusses a conversation in which the parties have assertedly resolved their dispute. Defendant then filed a submission that states, among other things, “CRC agrees with Plaintiff that the discovery dispute has been resolved.”

Accordingly, the meet-and-confer session and hearing regarding the discovery dispute on **MONDAY, JUNE 6, 2011**, are **VACATED**.


This order shall note, however, that it neither approves nor disapproves of any aspect of the parties’ resolution or submissions. In other words, as an example, if plaintiff does not dismiss defendant CRC, this order has not approved any stipulation concerning delays in discovery. Moreover, this order has not blessed any intention by plaintiff to file an amended complaint, to

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which counsel's submission alludes (Dkt. No. 45 at 2). To seek leave to file an amended complaint, plaintiff's counsel must file a motion for such leave and notice a hearing on the normal 35-day track. A proposed amended complaint must be appended thereto, and counsel shall clearly outline the changes from the currently-operative complaint and explain why leave was not sought by the deadline for pleading amendments. In addition, given plaintiff's counsel's statement that Court approval is required for dismissal of any party, this order shall direct counsel to consult FRCP 41, which provides an avenue for voluntary dismissal.

IT IS SO ORDERED.

Dated: June 3, 2011.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE