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

EMIL P. MILYAKOV and MAGDALENA A.
APOSTOLOVA,

No. C 11-02066 WHA

Plaintiffs,

v.

**ORDER ON *EX PARTE*
APPLICATION FOR A HEARING
FOR AN ORDER TO COMPEL
DEFENDANTS' DEPOSITIONS**

JP MORGAN CHASE, N.A., HSBC BANK
USA, NA, CALIFORNIA RECONVEYANCE
CO., PAUL FINANCIAL, LLC, MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
INC. (MERS), FOUNDATION
CONVEYANCING, LLC, and DOES 1
through 100,

Defendants.

On November 2, 2011, *pro se* plaintiffs filed an *ex parte* application for a motion to compel defendants' depositions and set the matter for hearing on November 3, at 8 a.m. (Dkt. No. 63). Defendants submitted an opposition to the motion.

Pursuant to paragraph 25 of the Court's Supplemental Order, "requests for discovery relief must first be summarized in a letter no longer than three pages from the party seeking relief after having met and conferred." A previous order put plaintiffs on notice of this requirement, as did the filing of the Supplemental Order itself (Dkt. Nos. 22, 54). It is unclear from the submissions whether the parties met and conferred on the issues regarding this discovery dispute, as is required. Plaintiffs' motion is thereby **STRICKEN**. The motion hearing is **VACATED**.

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Plaintiffs are also seeking to remand this case to state court on the basis that this Court does not have subject matter jurisdiction (Dkt. No. 58). Thus, it would be improper for the Court to take further action prior to resolving the motion to remand.

IT IS SO ORDERED.

Dated: November 3, 2011.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE