

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

United States District Court  
For the Northern District of California

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

MERRILL LYNCH, PIERCE, FENNER &  
SMITH INCORPORATED,

Plaintiffs,

v.

N.R. HAMM QUARRY, et al.,

Defendants.

No. C 12-02127 JSW

**ORDER RE MOTION FOR  
SUMMARY JUDGMENT**

On August 9, 2012, Plaintiffs filed a motion for summary judgment. Although Plaintiffs have noted in stipulations that they might file a cross-motion for summary judgment in response to Defendants' motion to dismiss, in general, this Court only permits one summary judgment motion per side. (*See* Civil Standing Order ¶ 9.)

In light of this Standing Order, if Plaintiffs wish to withdraw their motion, they shall notify the Court and Defendants by no later than August 17, 2012.

If Plaintiffs do not withdraw their motion by that date, the Court shall continue the hearing on the motion to dismiss from October 26, 2012 to November 2, 2012, so that the Court may consider the motion to dismiss and the motion for summary judgment at one hearing.

//  
//  
//  
//

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Pending further order of the Court, the briefing schedules on all motions remain unchanged.

**IT IS SO ORDERED.**

Dated: August 10, 2012

  
\_\_\_\_\_  
JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE