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

DANNY LANE and BEVERLY LANE,
individually, and for other persons
similarly situated,

No. C 12-04026 WHA

Plaintiffs,

v.

**ORDER RE DEFENDANT'S
SECOND MOTION TO DISMISS**

WELLS FARGO BANK, N.A.,

Defendant.

Defendant filed a motion to dismiss plaintiffs' complaint on November 30, 2012. By order dated January 24, 2013, the motion to dismiss was granted in part and denied in part (Dkt. No. 70). On February 14, plaintiffs filed a motion for leave to file an amended complaint, which defendant opposed. Following full briefing, including allowing defendant leave to file a sur-reply brief, the motion was granted (Dkt. No. 82). Pursuant to the order, plaintiffs filed a first amended complaint on March 21.

Defendant has now filed a further motion to dismiss the first amended complaint, noticing it for hearing on May 9. That is the same date as the deadline for plaintiffs to file their motion for class certification, as set forth in the case management order (Dkt. No. 42). Defendant has provided no reason why the arguments raised in the current motion to dismiss could not have been raised in the opposition to plaintiffs' motion for leave to file an amended complaint. Accordingly, the following briefing schedule is hereby set:

Plaintiffs must file their opposition to the motion to dismiss by **NOON ON APRIL 11, 2013**.


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Defendant's reply, if any, is due by **NOON ON APRIL 15** and is limited to ten pages.

The hearing on the motion is hereby set for **MAY 2**.

IT IS SO ORDERED.

Dated: April 4, 2013.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE