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

LIVIA UJHELYI,

Plaintiff,

No. C 12-04282 JSW

v.

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

TOM VILSACK, SECRETARY, U.S.
DEPARTMENT OF AGRICULTURE

Defendant.

On April 19, 2013, this matter was reassigned to the undersigned Judge. At that time, Defendant's motion to dismiss was fully briefed and ripe for decision. On April 23, 2013, Defendant instead of merely re-noticing the motion, Defendant re-filed his entire opening brief.

The Court shall hear the matter on May 31, 2013 at 9:00 a.m. However, because the motion was fully ripe and ready for decision, the Court STRIKES the re-filed motion as unnecessary. (Docket No. 37.) Plaintiff need not file a further opposition to that motion. The Court shall consider Plaintiff's previously filed opposition (Docket No. 22) and Defendant's previously filed reply (Docket No. 23). The Court also shall consider whether any of the materials Plaintiff has submitted with a request for judicial notice are appropriate. (Docket Nos. 26-34.)

If the Court finds the motion suitable for disposition without oral argument, it shall advise the parties in advance of the hearing date.

If Plaintiff wishes to appear by telephone, she should submit a new request to the Court.

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Finally, with respect to any *future* filings the parties may make, the Court refers the parties to this Court's Civil Standing Order paragraph 5, which governs the manner in which chambers copies should be submitted, and paragraph 7, which governs page limits and other matters relating to briefs.

IT IS SO ORDERED.

Dated: April 23, 2013



JEFFREY WHITE
UNITED STATES DISTRICT JUDGE