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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LINDA HOHU,

No. C-12-4906 EMC

Plaintiff,

v.

**ORDER RE SUPPLEMENTAL
BRIEFING**

WENDY HATCH,

Defendant.

_____ /

Defendant Wendy Hatch, the administrator of the estate of John K. Hohu, filed a motion to dismiss a complaint for declaratory relief brought by Plaintiff Linda Hohu pursuant to the Employee Retirement Income Security Act of 1974 (“ERISA”), 29 U.S.C. § 1001, *et. seq.* Defendant requests that this Court “dismiss this action pursuant to FRCP 12(b)(1) on the grounds that the federal court lacks subject matter jurisdiction (federal question) over the Plaintiff’s ‘Complaint for Declaratory Relief (Federal Preemption),’ as previously determined by U.S. District Court Judge Josephine Staton Tucker on September 12, 2012 in the United States District Court Central District Southern Division Case No: SACV 12-1067-JST.” Def.’s Mot. to Dismiss at 2 (Docket No. 13). Defendant’s motion raises, but does not fully brief, whether the doctrine of collateral estoppel applies to this matter.

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The parties shall file supplemental cross-briefs not to exceed six pages in length addressing collateral estoppel and its application to prior judicial determinations of a lack of subject matter jurisdiction. The parties shall file their cross-briefs with this Court **no later than 5:00 p.m. on January 10, 2013.**

IT IS SO ORDERED.

Dated: January 4, 2013


EDWARD M. CHEN
United States District Judge