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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ABDULLAH BYANOONI,

No. C 12-5270 RS

Plaintiff,

v.

MERRILL LYNCH, PIERCE, FENNER &
SMITH, et al.,

**ORDER VACATING HEARING,
ADDRESSING NOTICE OF
PENDENCY OF OTHER ACTIONS,
AND SETTING FURTHER CASE
MANAGEMENT CONFERENCE**

Defendants.

By prior stipulated order, all pretrial motions pertaining to class certification were to have been filed in sufficient time to be heard on December 5, 2013. That hearing date was subsequently continued by Clerk's notice to December 12, 2013. No such motions, however, have been filed; accordingly, the hearing date is hereby vacated.

Defendants have filed a "Notice of Pendency of Other Actions" together with a proposed order to transfer this action to the Southern District of California, where allegedly related cases are pending. The informational filing required by Civil Local Rule 3-13 is not a substitute for an appropriately noticed and briefed motion to transfer, where a party seeks transfer. Accordingly, the proposed order will not be entered. If defendants seek a transfer, they must file a motion.

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A further Case Management Conference shall be held on Thursday, January 9, 2014, at 10:00 a.m., with a joint case management conference statement filed one week in advance.

IT IS SO ORDERED.

Dated: 12/9/13



RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE