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

KURT BERGMAN, et al.,

Plaintiffs,

v.

BANK OF AMERICA, N.A., et al.,

Defendants.

Case No.: C-13-00741 JCS

**ORDER VACATING HEARING ON
MOTIONS TO DISMISS**

It has come to the Court's attention in the latest CMC statement that despite the stipulation joined by Plaintiffs and Defendants Bank of America, N.A., Federal Home Loan Mortgage Corporation, and Trustee Corps (Dkt. No. 28) one Defendant, PK Properties, LLC, has apparently never been served and has never consented to proceed before a United States magistrate judge. A magistrate judge may not resolve a motion to dismiss without consent of all parties. *See* 28 U.S.C. § 636. Accordingly, the hearing on the pending Motions to Dismiss is vacated and will be rescheduled to a later date. The CMC currently scheduled for August 5, 2013 will be held, and the parties will discuss the issue noted in this Order.

IT IS SO ORDERED.

Dated: July 30, 2013



JOSEPH C. SPERO
United States Magistrate Judge