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

THERESA MILLER,

No. C 13-01622 RS

Plaintiffs,

v.

**ORDER DENYING MOTION TO
REMAND AND CONTINUING
HEARING ON MOTION TO DISMISS**

WELLS FARGO BANK N.A.,

Defendant.

On June 12, 2013, plaintiff filed what she docketed as a “response” to defendant’s pending motion to dismiss, but which appears in ECF as merely another copy of defendant’s moving papers. On June 24, 2013, plaintiff filed a motion to remand. Those papers correctly identify the presiding judge, but purport to set the hearing on a date that is not when law and motion matters are heard, and on substantially less notice than required by the rules. The associated docket entry reveals that plaintiff apparently was attempting to set the matter on the calendar of the judicial officer to which this action was previously assigned.

The motion to remand attempts to establish diversity jurisdiction is lacking, but wholly fails to address the arguments and authority provided by Wells Fargo as to why courts have found it to be a citizen of South Dakota for the purposes of such jurisdiction. Accordingly, the motion is denied. While plaintiff must proceed with greater care in the future, and must comply with the local rules

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when noticing motions, her apparently inadvertent failure to file the correct document in opposition to the motion to dismiss will be excused in this instance. Plaintiff shall file any written opposition to the motion to dismiss no later than June 27, 2013, with any reply due one week thereafter. The hearing on the motion to dismiss is continued to July 25, 2013 at 1:30 p.m.

IT IS SO ORDERED.

Dated: 6/25/13



RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE