

United States District Court  
For the Northern District of California

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

NICK MILETAK,

Plaintiff,

v.

COMMUNICATION WORKERS OF  
AMERICA (CWA),

Defendant.

No. C 13-4865 SI

**ORDER SETTING BRIEFING  
SCHEDULE ON DEFENDANT'S  
MOTION TO DISMISS FIRST  
AMENDED COMPLAINT**

In response to the Court's Order to Show Cause, plaintiff filed a notice of voluntary dismissal without prejudice. Defendant opposes a dismissal without prejudice, and requests a ruling on the pending motion to dismiss the first amended complaint. In light of the procedural posture of this case, the Court finds that a dismissal without prejudice is inappropriate. The Court will grant plaintiff a further opportunity to file a response to the pending motion to dismiss; if plaintiff fails to file an opposition, the Court will rule on the unopposed motion.

Accordingly, plaintiff may file an opposition to the motion no later than **August 1, 2014**, and defendant may file a reply by **August 8, 2014**. At that time, the matter will be deemed submitted and the Court will issue an order on the motion.

**IT IS SO ORDERED.**

Dated: July 24, 2014

  
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SUSAN ILLSTON  
UNITED STATES DISTRICT JUDGE