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United States District Court
For the Northern District of California

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

NICOLE ZILVETI,

No. C-15-2494 MMC

Plaintiff,

v.

**ORDER DIRECTING DEFENDANT TO
SERVE NOTICE ON UNITED STATES
ATTORNEY; REVISING BRIEFING
SCHEDULE ON DEFENDANT'S MOTION
TO DISMISS OR TRANSFER;
CONTINUING CASE MANAGEMENT
CONFERENCE**

GLOBAL MARKETING RESEARCH
SERVICES, INC.,

Defendant.

On June 4, 2015, plaintiff Nicole Zilveti filed her Complaint in the above-titled action, in which she alleges two claims under 47 U.S.C. § 227(b)(1)(A)(iii). In response thereto, defendant Global Marketing Research Services, Inc. filed, on July 22, 2015, a Motion to Dismiss or Transfer, in which defendant argues, inter alia, § 227(b)(1)(A)(iii) is unconstitutional as applied to the conduct on which plaintiff's claims are based. Defendant has not, however, complied with the Local Rules of this District, as defendant has not filed any document demonstrating it has provided notice of said constitutional challenge to the United States Attorney. See Civil L.R. 3-8(a).

Accordingly, no later than July 31, 2015, defendant is hereby DIRECTED to serve on the United States Attorney for the Northern District of California (1) a Notice of Claim of Unconstitutionality with a copy of its Motion to Dismiss or Transfer attached thereto, and (2) a copy of this Order. Proof of such service shall be filed concurrently therewith.


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In light of the above, the Court sets the following schedule:

1. If the United States wishes to intervene for the purpose of opposing defendant's motion, it shall do so and file its opposition no later than August 28, 2015.
2. Plaintiff shall file her opposition no later than August 28, 2015.
3. Defendant shall file any reply no later than September 4, 2015.
4. The September 18, 2015, hearing on the motion will remain as scheduled.
5. The Case Management Conference is hereby CONTINUED from September 18, 2015, to October 23, 2015, at 10:30 a.m. A Joint Case Management Statement shall be filed no later than October 16, 2015.

IT IS SO ORDERED.

Dated: July 24, 2015


MAXINE M. CHESNEY
United States District Judge