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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROLF UNTERLEITNER,
Plaintiff,
v.
BASF CATALYSTS LLC, et al.,
Defendants.

Case No. [16-cv-00818-JSC](#)**ORDER RE: STIPULATION TO
SHORTEN TIME ON HEARING
PLAINTIFF'S MOTION TO REMAND**

Re: Dkt. No. 15

United States District Court
Northern District of California

Plaintiff Rolf Unterleitner (“Plaintiff”) filed this asbestos litigation action against a number of Defendants, including Defendant O’Reilly Auto Enterprises, LLC (f/k/a CSK Auto, Inc.) (“O’Reilly”), in Alameda County Superior Court. (*See* Dkt. No. 1-1.) O’Reilly, claiming that it is the only remaining defendant and that the parties are diverse, removed the case to federal court on February 18, 2016. (Dkt. No. 1.) Now pending before the Court is Plaintiff’s motion to remand, which is set for hearing on March 31, 2016. (Dkt. No. 14.) Plaintiff and O’Reilly have since filed a stipulation to shorten the time for hearing the motion to remand, in which they agree to a condensed briefing schedule followed by a hearing next week, on March 3, 2016. (Dkt. No. 15 at 2-3.) Plaintiff and O’Reilly did not provide any reason for changing the briefing and hearing schedule in their stipulation. However, Plaintiff’s motion to remand indicates that the matter was set for trial as a “preference” case in state court on February 16, 2016 due to the seriousness of Plaintiff’s illness and the expectation that he would not survive for six months beyond the date on which he requested the preferential trial setting. (Dkt. No. 14 at 7 (record citations omitted).) The Court therefore enters the parties’ stipulation to shorten the time on Plaintiff’s motion to remand. The motion is set for hearing on **March 3, 2016 at 10:30 a.m.**, with O’Reilly’s opposition due **March 1, 2016 at noon**, and Plaintiff’s Reply due **March 2, 2016 at noon**.

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While Plaintiff has consented to the jurisdiction of the undersigned magistrate judge (*see* Dkt. No. 14-7), O'Reilly has not filed a consent or declination, so the Court cannot finally decide Plaintiff's motion for remand. Accordingly, O'Reilly must file a consent to or declination of the jurisdiction of a magistrate judge along with its opposition to the motion to remand.

IT IS SO ORDERED.

Dated: February 26, 2016


JACQUELINE SCOTT CORLEY
United States Magistrate Judge