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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

ADRIAN SCOTT DUANE,  
Plaintiff,

No. C 17-00078 WHA

v.

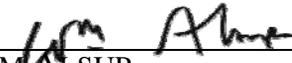
IXL LEARNING, INC., and PAUL  
MISHKIN,  
Defendants.

**ORDER MODIFYING  
BRIEFING SCHEDULE FOR  
MOTION TO DISMISS**

Defendants IXL Learning, Inc., and Paul Mishkin have indicated they wish to proceed on their pending motion to dismiss (Dkt. No. 26) as if it were directed to the more recently filed amended complaint (Dkt. No. 32). This order therefore modifies the briefing schedule for said motion to allow both sides to address the amended complaint (*see* Dkt. No. 30). The deadline for the opposition is continued from March 27 to **APRIL 7**. The deadline for the reply is continued from April 3 to **APRIL 14**. In the reply, defendants may raise new arguments only to address changes in the amended complaint. By **APRIL 21**, plaintiff may submit a sur-reply, no more than **TEN PAGES** in length, addressing only the new arguments raised in defendants' reply. The hearing on the motion to dismiss is continued from April 27 to **MAY 4 AT 8:00 A.M.**

**IT IS SO ORDERED.**

Dated: March 30, 2017.

  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE