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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TRUSTEES OF UA LOCAL 159  
HEALTH AND WELFARE TRUST  
FUND, et al.,

Plaintiffs,

No. C 09-2397 PJH

v.

**ORDER**

RUIZ BROTHERS PREFERRED  
PLUMBING, INC., et al.,

Defendants.

\_\_\_\_\_ /

On May 26, 2010, defendants and cross-claimants filed an opposition to the motion to dismiss the cross-complaint, filed by cross-defendants U.A. Local 159, U.A. Local 342, Pipe Trades District Council No. 36, and Aram Hodess. In this opposition, defendants and cross-claimants assert that the court should deny the motion because “[t]here are no pleadings or briefs filed with this motion that identify the allegations made by cross-defendants,” and the only documents filed in connection with the motion were the proposed order, a declaration by Adam J. Zapala, the exhibits to the Zapala Declaration, and a declaration by Scott Strawbridge.

Although the court is not certain what is intended in this context by the phrase “identify the allegations made by cross-defendants,” the court has nevertheless reviewed the docket entries, and finds that the assertion that there are “no . . . briefs” is incorrect. The documents referenced by defendants and cross-claimants are simply “attachments” to the filing. The memorandum of points and authorities in support of the motion – which defendants and cross-claimants assert does not exist – is accessible as Docket No. 53.

**United States District Court**  
For the Northern District of California

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The court unable to determine the source of this error or understand the reason for it. In any event, in the hope of being able to resolve this issue expeditiously, the court will permit defendants and cross-claimants one additional week to oppose the motion. If defendants and cross-claimants fail to oppose the motion, it will be granted without further ado.

The opposition shall be filed no later than June 2, 2010. The reply shall be filed no later than June 9, 2010. The June 16, 2010 hearing date is VACATED.

**IT IS SO ORDERED.**

Dated: May 28, 2010



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PHYLLIS J. HAMILTON  
United States District Judge