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3 UNITED STATES DISTRICT COURT  
4 NORTHERN DISTRICT OF CALIFORNIA  
56  
7 JSR MICRO, INC.,

8 Plaintiff,

No. C 09-3044 PJH

9 v.

**ORDER RE ADMINISTRATIVE  
MOTION FOR EXPEDITED RELIEF  
RE: SCHEDULING**

10 QBE INSURANCE CORPORATION,

11 Defendant.  
12 \_\_\_\_\_/

13 The court is in receipt of the parties' joint administrative motion for expedited relief  
14 re: scheduling. In it, the parties note that plaintiff has recently filed a motion for leave to file  
15 an amended and supplemental complaint, and to remand the action in the event of  
16 amendment. A hearing on that motion is set for December 15, 2010. Because this motion  
17 raises subject matter jurisdiction issues, the parties are therefore seeking an expedited  
18 order from the court either (a) vacating the December 8, 2010 briefing and hearing  
19 schedule on defendant's motion for summary judgment, pending resolution of plaintiff's  
20 newly filed motion to amend and to remand; or (b) confirming the briefing and hearing  
21 schedule on defendant's pending motion for summary judgment, notwithstanding the filing  
22 of plaintiff's recent motion.

23 Because the court finds that any legal issues bearing on the court's exercise of  
24 subject matter jurisdiction over the action should logically precede consideration of the  
25 substantive issues raised in defendant's motion for summary judgment, the court hereby  
26 VACATES the hearing on defendant's motion for summary judgment (including all pending  
27 briefing deadlines), pending hearing and resolution of plaintiff's upcoming motion for leave  
28 to amend and to remand on December 15. The court will re-schedule the remaining

1 briefing and hearing date in connection with defendant's dispositive motion, at the  
2 December 15 hearing.

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4 **IT IS SO ORDERED.**

5 Dated: November 16, 2010



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PHYLLIS J. HAMILTON  
United States District Judge

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