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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY NICOSIA, et al.,

Plaintiffs,

v.

WELLS FARGO BANK, N.A., et al.,

Defendants.

No. C 10-0398 PJH

**SCHEDULING ORDER RE
PRELIMINARY INJUNCTION HEARING**

The court is in receipt of the parties' stipulation seeking to continue the hearing date on plaintiffs' motion for preliminary injunction until February 2011. In view of the length of the requested continuance and number of continuances already requested and granted for the hearing on the motion for preliminary injunction, the court is not inclined to grant said request. Construing the request as one to withdraw the motion and vacate the hearing date, the request is granted without prejudice to plaintiffs re-filing the motion, if necessary, in accordance with any updated schedule for a trustee's sale of the real property in question.

In light of the parties' stipulation, the court also withdraws its offer to advance the hearing on the motion to remand so that the court might consider it in connection with any hearing on the motion for preliminary injunction. Plaintiffs' motion to remand will be heard, as presently scheduled, on November 17, 2010, unless the court notifies the parties in advance of that date that no hearing is necessary.

IT IS SO ORDERED.

Dated: October 28, 2010

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PHYLLIS J. HAMILTON
United States District Judge