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UNITED STATES DISTRICT COURT

Northern District of California

Oakland Division

MERAS ENGINEERING, *et al.*,

No. C 11-00389 LB

Plaintiff,

v.

**ORDER CONTINUING MAY 5, 2011
ORAL ARGUMENT; DIRECTING
PARTIES TO FILE SUPPLEMENTAL
BRIEFING**

CH2O, INC.,

Defendant.

On January 26, 2011, Plaintiffs Meras Engineering, Rich Bernier, and Jay Sughroue filed a complaint against Defendant CH2O, Inc. seeking declaratory relief and asserting a claim for unfair competition. Complaint, ECF No. 1. They filed an amended complaint on February 28, 2011. ECF No. 4. CH2O filed a motion to dismiss the first amended complaint on March 15, 2011. Motion to Dismiss, ECF No. 9. Plaintiffs lodged an opposition to the motion on April 14, 2011 but CH2O did not file a reply. Opposition, ECF No. 16.

On February 2, 2011, CH2O filed suit in the Superior Court of Washington in Thurston County against Mr. Bernier and Mr. Sughroue. Peter Petrich Declaration, ECF No. 10 at 2, ¶ 2. Mr. Bernier and Mr. Sughroue subsequently removed the case to the District Court for the Western District of Washington. *Id.* at ¶ 3. That suit involves substantially the same parties and the same facts involved in the case before this court. *See* 4/18/11 Order, *CH2O v. Bernier*, No. C 11-5153 RJB, ECF No. 15 at 1-4. After Plaintiffs filed their opposition in this case, Judge Robert Bryan, the presiding judge in the Washington suit, issued an order denying Mr. Bernier and Mr. Sughroue's motion to dismiss. *Id.*

1 The order also disposed of a number of issues presented in CH2O's current motion to dismiss
2 pending before this court. *Id.*

3 Because the parties have not had the opportunity to comment on that decision in this case, the
4 court **ORDERS** the parties to submit supplemental briefing that addresses the implications of Judge
5 Bryan's April 18, 2011 order on CH2O's current motion to dismiss pending before this court. The
6 supplemental briefing is due by May 12, 2011.

7 Oral argument on CH2O's motion to dismiss is **HEREBY CONTINUED** from May 5, 2011 to
8 May 26, 2011 at 11:00 a.m. in Courtroom 4.

9 **IT IS SO ORDERED.**

10 Dated: April 28, 2011



LAUREL BEELER
United States Magistrate Judge

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