

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3 OAKLAND DIVISION
4

5 GREGORY R. RAIFMAN, et al.,

6 Plaintiffs,

7 vs.

8 WACHOVIA SECURITIES, LLC, et al.,

9 Defendants.

Case No: C 11-02885 SBA

ORDER

Dkt. 28

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11 The parties are presently before the Court on Plaintiffs' motion for administrative
12 relief. Dkt. 28. Plaintiffs request that the Court consider a late-filed declaration in
13 opposition to Defendants' motion to dismiss, which was filed 19 minutes late on September
14 9, 2011. Dkt. 27. Defendants do not oppose this request. Plaintiffs also request that the
15 Court allow Plaintiffs to "note" their "anticipated" motion for leave to file a first amended
16 complaint at the same time the Court considers Defendants' motion to dismiss on
17 December 6, 2011. Defendants oppose this request on the ground that they will be
18 prejudiced by having to respond to deficiencies in newly presented allegations merely by
19 way of a reply, as opposed to an opening brief and reply. Dkt. 29. Accordingly,

20 IT IS HEREBY ORDERED THAT the Court GRANTS Plaintiffs' unopposed
21 request that the Court consider their late-filed declaration, Dkt. 27, in connection with the
22 December 6, 2011 hearing on Defendants' motion to dismiss. Furthermore, to avoid
23 prejudice to Defendants, Plaintiffs are directed to file their motion for leave to file an
24 amended complaint within 14 days of the date of this order. Plaintiffs' motion for leave to
25 file an amended complaint will be heard at the same time and place as Defendant's motion
26 to dismiss on December 6, 2011. Dkt. 12. The briefing schedule applicable to Plaintiffs'

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1 motion is as set forth in the Court's Local Rules and Standing Orders, and provides
2 Defendants with the opportunity to fully oppose any new allegations asserted by Plaintiffs.

3 IT IS SO ORDERED.
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6 Dated: October 6, 2011


7 SAUNDRA BROWN ARMSTRONG
8 United States District Judge
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