

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3
4 DIAMOND STATE INSURANCE COMPANY,
5 an Indiana corporation,

6 Plaintiff,

7 v.

8 MARIN MOUNTAIN BIKES, INC., a
9 California corporation; and ATB
SALES LIMITED, a private limited
company in the United Kingdom,

10 Defendants.

No. C 11-5193 CW

ORDER REGARDING
PLAINTIFF'S
OPPOSITION TO
DEFENDANT MARIN
MOUNTAIN BIKES,
INC.'S MOTION TO
DISMISS, ABSTAIN
OR STAY, AND
VACATING HEARING
(Docket No. 12)

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United States District Court
For the Northern District of California

On December 30, 2011, Defendant Marin Mountain Bikes, Inc. filed a motion to dismiss, abstain from exercising jurisdiction or stay Plaintiff Diamond State Insurance Company's claims against it in the instant action pending final resolution of the underlying action pending in ATB Sales Limited v. Marin Mountain Bikes, Case No. 11-4755-CW (N.D. Cal).

Pursuant to Local Rule 7-3(a), Plaintiff was required to file any opposition to Defendant's motion within fourteen days thereafter, or by January 13, 2012. Plaintiff has not yet filed an opposition to Defendant's motion.

The Court GRANTS Plaintiff leave to file an opposition, if any, to Defendant's motion within one week of the date of this Order. If Plaintiff does not file an opposition to Defendant's motion, the Court shall dismiss Plaintiff's claims against Defendant Marin Mountain Bikes, Inc. for failure to prosecute.

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The hearing currently scheduled from February 23, 2012 at
2:00 p.m. is hereby VACATED.

IT IS SO ORDERED.

Dated: 1/18/2012



CLAUDIA WILKEN
United States District Judge