

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 GRANTING  
DEFENDANT'S  
REQUEST TO FILE  
SUPPLEMENTARY  
MATERIAL  
(Docket No. 19)

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12                                    On February 8, 2012, Defendant Marin Mountain Bikes, Inc.  
13 filed a request for leave to file supplementary material regarding  
14 its motion to dismiss, abstain or stay. In its request, Defendant  
15 represents that it reached a settlement with ATB Sales Limited in  
16 ATB Sales Limited v. Marin Mountain Bikes, Inc., Case No. 11-4755  
17 YGR (N.D. Cal.). The Court notes that the ATB Sales case is still  
18 pending and that the parties have not filed a notice of settlement  
19 in its docket.

20                                    The Court GRANTS Defendant's request and ORDERS as follows:

21                                    Within three days of the date of this Order, Defendant may  
22 file a sur-reply of five pages or less, along with supplementary  
23 material. In the sur-reply, Defendant shall address the status of  
24 settlement in the ATB Sales action, and whether any settlement in  
25 the ATB Sales action has rendered its pending motion to dismiss,  
26 abstain or stay moot in part or in full. Defendant shall also  
27 include in its sur-reply whether the instant case is related to  
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1 the ATB Sales case pursuant to Local Rule 3-12, and whether the  
2 two cases should be related if the ATB Sales case has not settled.

3       Within three days of the date on which Defendant files its  
4 sur-reply, Plaintiff may file a response to the sur-reply,  
5 addressing the same issues, contained in five pages or less.

6       IT IS SO ORDERED.

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8 Dated: 4/13/2012

  
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CLAUDIA WILKEN  
United States District Judge

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10 CC: Hon. Yvonne Gonzalez Rogers  
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