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## UNITED STATES DISTRICT COURT

Northern District of California

Oakland Division

JAMES T. JARZAB, et al.,

No. C 11-06671 LB

Plaintiffs,

**ORDER DENYING WITHOUT  
PREJUDICE DEFENDANTS'  
MOTION TO DISMISS**

v.

KM ENTERPRISES, INC., et al.,

[Re: ECF No. 4]

Defendants.  

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Defendants removed this case from state court on December 28, 2011. Notice of Removal, ECF No. 1.<sup>1</sup> On the same day, Defendants' counsel, Ms. Jana Yocom, filed an application for admission *pro hac vice*. Application, ECF No. 2. No parties have consented to or declined the undersigned's jurisdiction.

The court has yet to rule on Ms. Yocom's *pro hac vice* application. Nevertheless, on January 3, 2012, Defendants filed a motion to dismiss Plaintiffs' complaint and noticed it for hearing on February 2, 2012, in violation of this District's civil local rules. Motion, ECF No. 4; *see* Civ. L. R. 7-2(a) (motions may not be noticed for hearing within 35 days after service of the motion, unless the court orders otherwise).

Therefore, the court DENIES WITHOUT PREJUDICE Defendants' motion to dismiss. If and when the court grants Ms. Yocom's application for admission *pro hac vice*, Defendants may re-file

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<sup>1</sup> Citations are to the Electronic Case File ("ECF") with pin cites to the electronic page number at the top of the document, not the pages at the bottom.

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their motion to dismiss in accordance with this District's civil local rules.

This disposes of ECF No. 4.

**IT IS SO ORDERED.**

Dated: January 3, 2012

  
LAUREL BEELER  
United States Magistrate Judge