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5 UNITED STATES DISTRICT COURT  
6 NORTHERN DISTRICT OF CALIFORNIA

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8 **JOHN LABRUCE KING,**

9 **Plaintiff,**

10 **vs.**

11 **HUCK HENSLEY, et al.,**

12 **Defendants.**

Case No.: **13-CV-051 YGR**

**ORDER CONTINUING HEARING ON MOTIONS  
TO DISMISS AND MOTION TO STRIKE**

13 On February 15, 2013, Defendant Huck Hensley (“Hensley”) filed his Motion to Dismiss,  
14 seeking to dismiss the complaint on the grounds that it fails to state claims against Hensley for  
15 breach of contract, retaliatory eviction, or attorneys’ fees. (Dkt. No. 20.) On February 19, 2013,  
16 Defendant Huck Hensley filed his Motion to Strike portions of the complaint titled “Sebastopol  
17 History,” 5:17-8:22 as immaterial to the claims alleged. (Dkt. No. 22.) Hearing on these motions  
18 was set for March 26, 2013. No opposition has been filed.

19 On March 11, 2013, Defendant Brian D. Hall (“Hall”) filed his Motion to Dismiss on the  
20 grounds that, according to the terms of a document attached thereto, captioned “Settlement  
21 Agreement and Court Order” and marked “Filed February 5, 2013 Superior Court of California,  
22 County of Sonoma.” Hall contends that Plaintiff John LaBruce King agreed to dismiss the instant  
23 action, as stated on page four, by February 20, 2013. Again, no opposition has been filed. However,  
24 this motion was filed with insufficient notice to the other parties. *See* Northern District Civ. Local  
25 Rule 7-2(a).

26 In light of the foregoing, the Court will allow Plaintiff to file an opposition to the Motions to  
27 Dismiss and the Motion to Strike no later than **April 9, 2013**. Failure to file an opposition by that  
28 date will result in dismissal of the action against these Defendants] for failure to prosecute. Any


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reply to an opposition must be served and filed not more than 7 days after the opposition is served and filed. Civ. L.R. 7-3(c).

The hearing date of March 26, 2013, is hereby **CONTINUED** to **April 30, 2013**, at 2:00 p.m.

**IT IS SO ORDERED.**

Dated: **March 22, 2013**

  
**YVONNE GONZALEZ ROGERS**  
**UNITED STATES DISTRICT COURT JUDGE**