

United States District Court
For the Northern District of California

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E-FILED 2/11/09

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

RICHARD B. FOX, M.D.,

No. C 04-00874 RS

Plaintiff,

v.

**ORDER REGARDING MOTION
FOR LEAVE TO FILE MOTION
FOR RECONSIDERATION**

GOOD SAMARITAN HOSPITAL, et al.,

Defendants.

On February 2, 2009, plaintiff filed a motion for leave to file a motion for reconsideration of an order entered by the prior presiding judge, Judge Ronald Whyte, on September 12, 2007. The decision at issue denied plaintiff's request for leave to amend his complaint to add a RICO claim. Since the entry of Judge Whyte's September 13th order, the parties have consented to the undersigned acting as presiding judge for all purposes in this action. Accordingly, Judge Whyte has referred plaintiff's pending motion for leave to file a reconsideration motion to this Court.

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In order to clarify the position of all parties on the issue of this court's jurisdiction to consider the motion for leave to file a motion to reconsider Judge Whyte's prior ruling, each party is ordered to file either a consent or declination directed to that specific question by February 27, 2009.

IT IS SO ORDERED.

DATED: 2/11/09



RICHARD SEEBORG
United States Magistrate Judge

