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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ADVANCED MICROTHERM, INC., et al.,
Plaintiffs,
v.
NORMAN WRIGHT MECHANICAL
EQUIP. CORP., et al.,
Defendants.

Case No.: C 04-2266 JW (PVT)

**ORDER REGARDING ORDER REMANDING
TO MAGISTRATE JUDGE FOR
RECONSIDERATION**

On January 12, 2009, this court issued an Order Continuing Discovery Conference; Order to Defendants to Comply with Prior Order and Order Granting Plaintiff's Motion For Shortened Time for Hearing on Rule 26 Motion (the "January 12th Order"). That same day, Defendant Norman Wright Mechanical Equipment Corporation ("Norman Wright") filed an objection to the January 12th Order, noting that it *had* complied with the prior order and requesting additional time to oppose the Rule 26 motion.

The next day, on January 13, 2009, this court issued an Order Vacating Order to Defendants to Comply with Prior Order; and Order Modifying Briefing on Plaintiffs' Rule 26 Motion (the "January 13th Order"). In the January 13th Order, the court vacated the January 12th Order to the extent it directed the Defendants to comply with the court's prior order to file certain briefs. The court noted that the subject briefs had, in fact, been timely filed. The January 13th Order also

1 modified the briefing schedule as requested in Defendant Norman Wright's objection.

2 Less than an hour after the January 13th Order was filed, Defendant F.W. Spencer & Son, Inc.
3 filed an objection to the January 12th Order, noting that it *had* complied with the prior order. It
4 appears counsel prepared this objection before seeing the January 13th Order which vacated the
5 portion of the January 12th Order to which it objected.

6 Therefore, this court respectfully reports to District Judge Ware that reconsideration of the
7 January 12th Order was already provided in the January 13th Order.

8 Dated: 1/28/09


9 PATRICIA V. TRUMBULL
10 United States Magistrate Judge
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