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United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

John N. Rezner,

NO. C 06-02064 JW

Plaintiff,

**ORDER VACATING CASE
MANAGEMENT CONFERENCE;
SETTING BRIEFING SCHEDULE**

v.

Bayerische Hypo-Und Vereinsbank AG, et al.,

Defendants.

_____ /
This case is scheduled for a Case Management Conference on February 28, 2011. Pursuant to the Federal Rules of Civil Procedure and Local Rules of this Court, the parties conferred and duly submitted a Joint Case Management Statement. (See Docket Item No. 460.) Upon review, the Court finds that a dispute exists between the parties regarding the nature and scope of the Court of Appeals for the Ninth Circuit’s Opinion that affirmed in part, reversed in part, vacated in part and remanded the Stipulated Final Judgment entered by the Court on June 16, 2009. Specifically, Plaintiffs contend that the case is ready for trial after the Ninth Circuit remand while Defendants contend that the Ninth Circuit’s Opinion mandates dismissal of Plaintiff’s RICO claim and the Court should decline supplemental jurisdiction over Plaintiff’s remaining state law claims. (Joint Statement at 13-16.)

Accordingly, the Court VACATES the Case Management Conference and sets the following briefing schedule for the parties to address the impact of the Ninth Circuit’s decision on this case:

- (1) Defendants shall file its Motion to dismiss the action in its entirety on or before **March 4, 2011.**

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- (2) Plaintiff shall file an Opposition to Defendants' Motion on or before **March 18, 2011.**
- (3) Defendants shall file a Reply to Plaintiff's Opposition on or before **March 25, 2011.**
- (4) A hearing on Defendants' anticipated Motion to dismiss the action in its entirety is set for **April 18, 2011 at 9 a.m.**

Dated: February 23, 2011



JAMES WARE
United States District Chief Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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Dated: February 23, 2011

Richard W. Wieking, Clerk

By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy