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E-FILED 3/9/2009

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FELTON SPEARS, JR. and SIDNEY SCHOLL,
on behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

WASHINGTON MUTUAL, INC.; FIRST
AMERICAN EAPPRAISEIT, and LENDER'S
SERVICE, INC.,

Defendants.

No. C08-00868 RMW (HRL)

**ORDER DENYING WITHOUT
PREJUDICE PLAINTIFFS' MOTION
FOR JURISDICTIONAL DISCOVERY**

[Re: Docket No. 97]

Before this court is plaintiffs' motion for leave to conduct jurisdictional discovery as to defendant Lender's Service, Inc. ("LSI"). The motion was brought as an alternative motion in the event the presiding judge was inclined to grant LSI's then-pending motion to dismiss challenging plaintiffs' standing to pursue the instant action. For reasons beyond this court's control, plaintiffs' discovery motion remained in limbo for several months¹ and eventually was re-set for a March 10, 2009 hearing. The presiding judge has just granted LSI's motion to dismiss with leave to amend. (Docket No. 147). Thus, there currently is no extant pleading as to LSI.


¹ This case was stayed for several months after the FDIC was appointed receiver for Washington Mutual Bank.

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Accordingly, plaintiffs' motion for leave to conduct jurisdictional discovery is denied without prejudice to renew the motion should the circumstances warrant. The motion hearing set for March 10, 2009 is vacated.

SO ORDERED.

Dated: March 9, 2009



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

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