

1 **E-Filed 3/12/09**

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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN JOSE DIVISION**

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13 MELINDA AMEZCUA, individually and on
14 behalf of a class of similarly situated individuals,

15 Plaintiff,

16 v.

17 CELLCO PARTNERSHIP d/b/a VERIZON
18 WIRELESS, a Delaware general partnership,
19 MOBILEFUNSTER, INC. d/b/a FUNMOBILE, a
20 Delaware corporation, FUNMOBILE GAMES,
21 INC., a Delaware corporation,

22 Defendants.

Case Number C 08-4390 JF (PVT)

**ORDER¹ GRANTING REQUEST TO
CONTINUE HEARING**

23 Currently pending before this Court is Plaintiff's motion to remand the instant action to
24 the Santa Clara Superior Court. Defendants have advised the Court of a nearly identical action
25 in which a judge in this district granted the plaintiff's motion to remand after considering
26 substantially the same arguments as those presented here. In that action, the defendants then
27 timely filed a petition for review of the district court's remand order pursuant to 28 U.S.C. §

28 ¹ This disposition is not designated for publication in the official reports.

1 1453 of the Class Action Fairness Act. Defendants in this case now urge the Court to continue
2 the hearing date on Plaintiff's motion to remand on the ground that the Ninth Circuit may well
3 decide precisely the issues presented here. Having considered the parties' arguments, the Court
4 agrees that considerations of judicial economy weigh strongly in favor of a continuance.
5 Accordingly, the Court will vacate the March 13, 2009 hearing on Plaintiff's motion to remand
6 and will set the motion for hearing on June 26, 2009 at 9 AM. Should the Ninth Circuit act
7 before that time, the Court will entertain a motion to shorten time on the hearing pursuant to
8 Civil Local Rule 6-3.

9 **IT IS SO ORDERED.**

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11 DATED: 3/12/09

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14 JEREMY FOGEL
United States District Judge

1 This Order has been served electronically upon the following persons:
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