

1 \*\*E-Filed 3/24/09\*\*

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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)

**ORDER<sup>1</sup> RESCHEDULING  
HEARING**

23 Currently pending before this Court is Plaintiff's motion to remand the instant action to  
24 the Santa Clara Superior Court. Defendants advised the Court on March 5, 2009 of a nearly  
25 identical action in which a judge in this district granted the plaintiff's motion to remand after  
26 considering substantially the same arguments as those presented here. In that action, the  
27 defendants then timely filed a petition for review of the district court's remand order pursuant to

28 <sup>1</sup> This disposition is not designated for publication in the official reports.

1 28 U.S.C. § 1453 of the Class Action Fairness Act. Based on the pendency of that petition, and  
2 in the interest of judicial economy, this Court vacated the March 13, 2009 hearing on Plaintiff's  
3 motion to remand and reset the motion for hearing on June 26, 2009 at 9 AM. Since the  
4 issuance of its prior order, however, the Court has learned that the Ninth Circuit has denied the  
5 subject petition. Accordingly, to avoid prejudicial delay to Plaintiff, the Court will reschedule  
6 the hearing date on the motion for remand for Friday May 1, 2009 at AM.

7 **IT IS SO ORDERED.**

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9 DATED: 3/24/09

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12 JEREMY FOGEL  
13 United States District Judge

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