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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CITY OF SALINAS,)
)
 Plaintiff,)
)
 v.)
)
 GENERAL REINSURANCE CORP., et al.,)
)
 Defendants.)
 _____)

Case No.: C 08-4588 PVT
**ORDER SCHEDULING SUPPLEMENTAL
BRIEFING ON MOTIONS TO DISMISS; AND
CONTINUING CASE MANAGEMENT
CONFERENCE**

On February 24, 2009, the parties appeared before Magistrate Judge Patricia V. Trumbull for hearing on the Defendants respective motions to dismiss and the Case Management Conference.¹

Based on the discussions at the hearing,

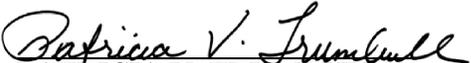
IT IS HEREBY ORDERED that, no later than March 17, 2009, the parties shall file simultaneous briefs regarding the issue of subject matter jurisdiction. This issue was raised for the first time at the hearing. However, challenges to subject matter jurisdiction cannot be waived, and thus may be raised at any time before final judgment. *See United States v. Cotton*, 535 U.S. 625, 630 (2002); and *Grupo Dataflux v. Atlas Global Group, L.P.*, 541 U.S. 567, 571 (2004). Before ruling on the issue, the court finds it appropriate to solicit written briefing on the issue by the parties.

¹ The holding of this court is limited to the facts and the particular circumstances underlying the present motion.

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IT IS FURTHER ORDERED that the Case Management Conference is continued to 2:00 p.m. on April 21, 2009. The parties shall file a Supplemental Joint Case Management Conference Statement no later than April 14, 2009.

Dated: 3/9/09


PATRICIA V. TRUMBULL
United States Magistrate Judge