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\*\*E-Filed 5/3/10\*\*

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

TUNG TAI GROUP, a California corporation,  
Plaintiff and Counterclaim Defendant,  
v.  
AARON OBLON, DEVONSHIRE METALS  
CORP., HASMUKH D. PATEL, and DOES 1-500,  
Defendants and Counterclaimants.

Case Number C 08-5370 JF

**ORDER<sup>1</sup> REQUESTING  
RESPONSE TO DEFENDANT'S  
MOTION TO VACATE**

RE: Doc. No. 45

On February 12, 2010, Plaintiff Tung Tai Group ("Tung Tai") moved for summary judgment with respect to its claims for breach of contract, fraud, and conversion against Defendant Aaron Oblon ("Oblon") and with respect to its claims for fraud and conversion against Defendant H.D. Patel ("Patel"). After receiving no opposition from either Oblon or Patel, the Court vacated the scheduled hearing and granted the motion in an order dated April 12, 2010.

On April 26, 2010, Oblon filed a motion to vacate the April 12 order and an affidavit opposing Plaintiff's motion for summary judgment. Plaintiff shall file a response to the Oblon's motion, if any, on or before May 14, 2010. Oblon may file a reply to Plaintiff's responses, if any,

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

1 on or before May 21, 2010. The matter thereafter will be taken under submission without oral  
2 argument.

3 IT IS SO ORDERED.

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5 DATED: 5/3/10

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7 JEREMY FOGEL  
United States District Judge

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