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1 2 3 4 **E-FILED on** <u>7/8/09</u> 5 6 7 8 IN THE UNITED STATES DISTRICT COURT 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA 10 SAN JOSE DIVISION 11 12 KIMBERLY A. BROCKINGTON, also No. C-08-05795 RMW known as KIMBERLY A. SCHATZ, and LALLY BROCKINGTON. 13 Plaintiffs, 14 ORDER CONTINUING HEARING ON PLAINTIFFS' MOTION TO REMAND 15 v. 16 J.P. MORGAN CHASE BANK, N.A., a National Banking Association, NDEX [Re Docket No. 29] 17 WEST, LLC, a Texas Limited Liability Company, and DOES 1 to 20, inclusive, 18 Defendants. 19

Plaintiffs' motion to remand is presently calendared for hearing on July 17, 2009. On July 1, 2009, however, the court granted defendant's motion to dismiss the first amended complaint and granted twenty days leave to amend, a deadline that falls after the noticed hearing date for the motion to remand. Accordingly, on its own motion, the court hereby continues the hearing on the motion to remand to July 31, 2009 at 9:00.

Although the briefing on the motion has closed with the filing of plaintiff's reply brief on July 2, 2009, the court observes that the parties have not addressed whether the court has diversity jurisdiction over this matter pursuant to 28 U.S.C. §1332. Accordingly, the parties are each requested to submit a supplemental brief, no more than three pages, addressing whether the court

ORDER CONTINUING HEARING ON PLAINTIFFS' MOTION TO REMAND—No. C-08-05795 RMW TER

United States District Court For the Northern District of California

1	has diversity jurisdiction and, if so, how that basis for jurisdiction impacts the motion to remand.		
2	Plaintiff's brief shall be filed no later than July 22, 2009 and defendant's brief shall be filed no later		
3	than July 27, 2009.		
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6	DATED: <u>7/8/09</u>	Romald m white	
7		RONALD M. WHYTE United States District Judge	
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1	Notice of this document has been electronically sent to:	
2	Counsel for Plaintiffs:	
3	John Stuart Perkins	johnsperkins@sbcglobal.net
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5	John M. Sorich	
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7	Council or responsible f	or distributing against of this document to an asympal that have not
8	Counsel are responsible for distributing copies of this document to co-counsel that have not registered for e-filing under the court's CM/ECF program.	
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11	Dated: 7/8/09	TER Chambers of Judge Whyte
12		Chambers of Judge Whyte
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