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E-FILED 03-22-2010

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

STATE FARM LIFE INSURANCE
COMPANY,

Plaintiff,

v.

JASON CAI and THE ESTATE OF YING
DENG, Deceased,

Defendants.

No. C09-00396 HRL

**ORDER (1) GRANTING IN PART
REQUEST FOR CONTINUANCE; AND
(2) SETTING DEADLINE FOR
CONSENT OR DECLINATION TO
PROCEED BEFORE A MAGISTRATE
JUDGE**

[Re: Docket No. 24]

This is an interpleader action. The court is informed that defendant Jason Cai, who is representing himself, has been in custody from the outset of this proceeding and currently is awaiting trial in another matter. Cai, through his mother, requests that the case management conference be continued for 90 days. Plaintiff advises that it does not oppose the request. However, the Estate of Ying Deng (“Estate”) objects to any further continuances.

True, this matter has been pending for a while, and the initial case management conference has been continued several times for various reasons. Cai’s incarceration notwithstanding, the docket reflects that delays were also due to issues pertaining to service on and representation of the Estate, counsel for which has appeared only within the last month. Moreover, not all parties have filed written consents to proceed before a magistrate judge or requests for reassignment to a United States District Court judge. Each party is free to consent

1 or to request reassignment as they see fit. Nonetheless, neither Cai nor the Estate have advised
2 as to their preference. And, the court's prior reminder to do so has gone unheeded. (See
3 Docket No. 17).

4 Accordingly, the initial case management conference is continued to **May 25, 2010,**
5 **1:30 p.m.** All deadlines in the court's Order Setting Initial Case Management Conference and
6 ADR Deadlines (Docket No. 3) are adjusted accordingly. No later than **March 31, 2010,** Cai
7 and the Estate shall each file either a (1) Consent to Proceed Before a United States Magistrate
8 Judge or (2) Declination to Proceed Before a Magistrate Judge and Request for Reassignment to
9 a United States District Judge. The forms are available from the Clerk's Office and on the
10 court's website (www.cand.uscourts.gov). Absent receipt of written consents from both
11 defendants by the March 31, 2010 deadline, this case will be reassigned to a United States
12 District Judge.

13 SO ORDERED.

14 Dated: March 22, 2010

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17 HOWARD R. LLOYD
18 UNITED STATES MAGISTRATE JUDGE
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1 5:09-cv-00396-HRL Notice has been electronically mailed to:

2 Robert Reins Pohls rpohls@califehealth.com

3 Steve M. Defilippis flipsmd2005@yahoo.com

4 Counsel are responsible for distributing copies of this document to co-counsel who have not
5 registered for e-filing under the court's CM/ECF program.

6 5:09-cv-00396-HRL Copies of this document mailed to:

7 Jason Cai
8 c/o Ms. Eao Cai
9 1640 Hermocilla Way #237
10 San Jose, CA 95116

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