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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ING BANK, fsb,)
)
 Plaintiff,)
)
 v.)
)
 BAIMBA JOHN,)
)
 Defendant.)
)
 _____)
 AND RELATED THIRD-PARTY ACTION)
 _____)

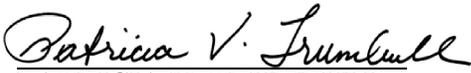
Case No.: C 09-1467 PVT
**ORDER CONTINUING HEARING AND
SOLICITING BRIEFING ON EFFECT OF
BAIMBA JOHN'S BANKRUPTCY FILING ON
THIRD-PARTY ACTION**

On September 7, 2010, Defendant and Third-Party Plaintiff Baimba John ("Defendant") filed a notice of bankruptcy filing, and thus Plaintiff's action against Mr. John is automatically stayed by virtue of 11 U.S.C. section 362. Based on said notice,

IT IS HEREBY ORDERED that the summary judgment hearing set for September 14, 2010 is CONTINUED to 10:00 a.m. on October 19, 2010.

IT IS FURTHER ORDERED that no later than October 5, 2010, the parties shall file supplemental briefs addressing the issue of whether or not 11 U.S.C. section 362 also operates to stay the third-party action.

Dated: 9/13/10


PATRICIA V. TRUMBULL
United States Magistrate Judge

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Counsel automatically notified of this filing via the court's Electronic Case Filing system.

copy mailed on 9/13/10 to:

Baimba John
3354 Casa Legno Court
San Jose, CA 95148

/s/ Donna Kirchner
DONNA KIRCHNER
Judicial Law Clerk