

E-Filed 11/5/10

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18 **UNITED STATES DISTRICT COURT**
 19 **NORTHERN DISTRICT OF CALIFORNIA**
 20 **SAN JOSE DIVISION**

20 EK VATHANA, individually and on behalf of
 21 all others similarly situated,

22 Plaintiffs,

23 v.

24 EVERBANK a/k/a EVERBANK DIRECT
 a/k/a EVERBANK FEDERAL SAVINGS
 25 ASSOCIATION, EVERBANK FINANCIAL
 CORP, EVERBANK WORLD MARKETS,
 26 and DOES 1 to 25,

27 Defendants.

Case No. 09-CV-02338-RS

**[PROPOSED] ORDER RESCHEDULING
 HEARING FOR PLAINTIFF'S MOTION
 FOR PARTIAL SUMMARY JUDGMENT
 AND REVISING BRIEFING SCHEDULE**

Courtroom: 3

Judge: Hon. Richard Seeborg
 450 Golden Gate Ave.
 San Francisco, CA

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Upon consideration of the Joint Stipulation to Reschedule Hearing for Plaintiff's Motion for Partial Summary Judgment and to Revise Briefing Schedule, filed by plaintiff **Ek Vathana** and defendants **EverBank, EverBank Financial Corporation and EverBank World Markets** (collectively, "Defendants"), **IT IS HEREBY ORDERED** as follows:

1. The hearing for Plaintiff's Motion for Summary Judgment/Partial Summary Judgment, Docket Entry No. 76 ("Motion"), is rescheduled to Thursday, January 6, 2011 at 1:30 p.m. Any hearing on a cross-motion for summary judgment filed by Defendants in response to this Motion will also occur on January 6, 2011.

2. Defendants' opposition to Plaintiff's Motion for Partial Summary Judgment, as well as any cross-motion for summary judgment, must be filed by Monday, November 22, 2010.

3. Plaintiff's Reply regarding his Motion (and his opposition to Defendants' anticipated cross-motion) must be filed by Thursday, December 16, 2010 and Defendants' Reply regarding their anticipated cross-motion must be filed by December 23, 2010.

Dated: 11/4, 2010



HON. RICHARD SEEBORG
United States Magistrate Judge