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

STEVEN SIMON, MICHAEL KALLOCK AND
ALEXEY TERSKIKH, on Behalf of Himself and
All Others Similarly Situated,

Plaintiffs,

v.

ERIC STANG, LEN DEBENEDICTIS, HANK
GAUTHIER, and RELIANT TECHNOLOGIES,
INC.,

Defendants.

Case Number C 10-00262 JF (HRL)

**ORDER¹ (1) GRANTING
PLAINTIFFS REQUEST FOR
CONSIDERATION AND (2)
SETTING A FURTHER BRIEFING
SCHEDULE**

[re doc. no. 11]

Plaintiffs Steven Simon, Michael Kallok, and Alexey Terskikh (collectively, “Plaintiffs”) filed this putative class action in the Santa Clara Superior Court on December 12, 2009. Pursuant to the Securities Litigation Uniform Standards Act of 1998 (“SLUSA”), 15 U.S.C. §§ 77p, 78bb, Defendants removed the action to this Court. Plaintiffs moved for remand, and Defendants moved to dismiss. On April 12, the Court concluded that some of Plaintiffs’ claims were precluded by SLUSA and granted in part Defendants’ motion to dismiss

¹ This disposition is not designated for publication in the official reports.

1 the complaint. Plaintiffs were granted leave to amend to avoid inadvertently pled federal claims.
2 The Court deferred the determination on Plaintiffs' motion for remand, pending Plaintiffs'
3 amendment.

4 On May 5, 2010, Plaintiffs requested consideration of their motion for remand and
5 provided a copy of the first amended complaint. Plaintiffs' request for consideration of their
6 motion for remand is granted. If Defendants desire to file an updated opposition to Plaintiffs'
7 motion for remand, it must be filed no later than May 28, 2010. Plaintiffs' reply to Defendants'
8 opposition is to be filed no later than June 4, 2010. The parties are directed solely to address the
9 remand issue.

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11 **IT IS SO ORDERED**

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13 DATED: 5/21/ 2010

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15 JEREMY FOGEL
United States District Judge