

1 **** E-filed November 4, 2010 ****

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7 NOT FOR CITATION
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 VIRGILIO and TEODORA ORCILLA,

No. C10-03931 HRL

12 Plaintiffs,

**ORDER (1) CONTINUING INITIAL
CASE MANAGEMENT
CONFERENCE AND (2) DENYING
DEFENDANTS' MOTION TO
APPEAR BY TELEPHONE AS MOOT**

13 v.

14 BANK OF AMERICA, N.A., et al.,

15 Defendants.

[Re: Docket Nos. 4 & 33]

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17 In light of Defendants' motion to dismiss Plaintiffs' complaint, the initial case management
18 conference, currently set for November 16, 2010, is CONTINUED to **January 18, 2011 at 1:30**
19 **p.m.** in Courtroom 2, United States District Court, 280 South First Street, San Jose, California. The
20 parties shall file a Joint Case Management Statement **no later than January 11, 2011**. Because of
21 this continuance, Defendants' counsel's request to appear by telephone (Docket No. 33) is DENIED
22 AS MOOT.

23 The parties are also reminded that this civil case has been randomly assigned to a magistrate
24 judge for all purposes including trial. Accordingly, all parties who have not yet done so shall, **no**
25 **later than November 16, 2010**, shall file either (1) a Consent to Proceed before a United States
26 Magistrate Judge or (2) a Declination to Proceed before a Magistrate Judge and Request for
27 Reassignment to a United States District Judge. *See* N.D. Cal. Civ. R. 73-1. The consent and
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declination forms are available at the Clerk's Office and may also be obtained from the court's website at <http://www.cand.uscourts.gov>.

IT IS SO ORDERED.

Dated: November 4, 2010



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

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C10-03931 HRL Notice will be electronically mailed to:

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