

1 **** E-filed February 10, 2011 ****

2

3

4

5

6

7 NOT FOR CITATION

8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 SAN JOSE DIVISION

11 ROSIE LUCIW,

No. C10-05969 HRL

12 Plaintiffs,

13 v.

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

15 Defendants.

**ORDER (1) TERMINATING
DEFENDANTS' MOTION TO
DISMISS AND (2) SETTING
DEADLINE FOR CONSENTING TO
OR DECLINING MAGISTRATE
JURISDICTION**

16 _____/ [Re: Docket No. 7, 10]

17 On January 6, 2011, Defendants filed a motion to dismiss Plaintiff's complaint. Docket No.

18 7. Plaintiff responded by filing a First Amended Complaint¹, thereby mooting Defendants' motion

19 to dismiss. Docket No. 10. Accordingly, Defendants' motion to dismiss, currently set for hearing

20 on February 22, 2011, is TERMINATED.

21 In addition, the parties are reminded that this civil case has been randomly assigned to a

22 magistrate judge for all purposes including trial. Accordingly, all parties who have not yet done so

23 shall, **no later than February 22, 2011**, file either (1) a Consent to Proceed before a United States

24 Magistrate Judge or (2) a Declination to Proceed before a Magistrate Judge and Request for

25 Reassignment to a United States District Judge. *See* N.D. Cal. Civ. R. 73-1. The consent and

26 declination forms are available at the Clerk's Office and may also be obtained from the court's

27 website at <http://www.cand.uscourts.gov>.

28 _____

¹ The Court notes that it has yet to receive the required chamber's copy of Plaintiff's First Amended Complaint, as required by General Order No. 45.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS SO ORDERED.

Dated: February 10, 2011



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

C10-05969 HRL Notice will be electronically mailed to:

James Joseph McGrath james.mcgrath@bryancave.com, ddkinder@bryancave.com
Jed P. White jed.white@bryancave.com, kima@bryancave.com
Jennifer A. Jackson jjackson@bryancave.com, sherri.gramza@bryancave.com
Stephen Conrad Ruehmann ruehmannlaw@yahoo.com

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.