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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

JAMES MCGIBNEY, et al.,  
Plaintiffs,  
v.  
THOMAS RETZLAFF,  
Defendant.

Case No. [14-cv-01059-BLF](#)

**ORDER GRANTING REQUEST TO  
SUBMIT LATE-FILED DOCUMENT;  
GRANTING REQUEST FOR  
TELEPHONIC APPEARANCE**


[Re: ECF 137, 140]

Plaintiffs' request that the Court accept their late-filed opposition to Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction (ECF 126) is hereby GRANTED. *See* ECF 137.<sup>1</sup> To the extent that it substantively responds to Plaintiffs' late-filed opposition, Defendant's "Objection" to Plaintiffs' request, ECF 139, will be considered by the Court in ruling on Defendant's Motion to Dismiss.

Defendant's request to appear by telephone at the April 16 and April 30, 2015 hearings on his motions, ECF 140, is GRANTED. Defendant shall arrange his appearance through CourtCall in advance of each hearing.

**IT IS SO ORDERED.**

Dated: January 27, 2015

  
BETH LABSON FREEMAN  
United States District Judge

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<sup>1</sup> Both the request to accept the late-filed document and the late-filed document itself are combined into a single filing at ECF 137.