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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

THOMAS A. DILLON,  
Plaintiff,  
v.  
MURPHY & HOURIHANE,  
Defendant.

Case No. [14-cv-01908-BLF](#)

**ORDER RE: BRIEFING ON WHETHER  
THE COURT SHOULD RECONSIDER  
ITS JULY 3, 2014 ORDER**

On July 3, 2014, the Court issued an Order denying Defendant’s Motion to Dismiss for lack of personal jurisdiction, and further denying Defendant’s Motion to Transfer. (ECF 27) On July 30, 2014, Defendant filed a Motion, pursuant to 28 U.S.C. § 1292(b), requesting the Court amend its Order to permit Defendant to seek interlocutory review, in light of the Supreme Court’s decision in *Walden v. Fiore*, 134 S. Ct. 1115 (2014).

In its Motion, Defendant notes that it did not file a Motion for Reconsideration, pursuant to Civil Local Rule 7-9, due to the threat of sanctions on parties who file a motion based on arguments made in briefing or oral argument. (ECF 27 at 12 n.2 (stating that it did not file a Motion for Reconsideration because Defendant mentioned *Walden v. Fiore* at oral argument)) The Court notes that *Walden*, decided prior to its Order, was not addressed in its Order, nor was it included in the briefing on Defendant’s Motion.


The Court hereby ORDERS that the parties provide supplemental briefing – not to exceed 5 (five) pages per side – addressing the question of whether the Court should reconsider its Order in light of the Supreme Court’s holding in *Walden*. Defendant’s brief shall be due to the Court no more than 10 (ten) days from the issue of this Order. Plaintiff’s supplemental brief shall be due on the same date as its Response to Defendant’s Motion to Amend, September 19, 2014.

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At the upcoming oral argument on Defendant’s Motion, scheduled for October 16, 2014,  
the Court shall hear argument on whether it should reconsider its prior order and as to whether the  
Court should permit interlocutory review of its Order.

**IT IS SO ORDERED.**

Dated: August 19, 2014

  
BETH LABSON FREEMAN  
United States District Judge