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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

SANDRA WAGES,  
Plaintiff,  
v.  
UNITED STATES OF AMERICA,  
Defendant.

Case No. 5:14-cv-04328 HRL

**ORDER RE FURTHER BRIEFING AND  
RE-SETTING HEARING**

Pursuant to the court's January 26, 2015 order, the parties have submitted their respective proposals for supplemental briefing and a new hearing date re defendant's motion to dismiss. Both sides having submitted matters outside the pleadings for the court's consideration, defendant's motion to dismiss will be converted to one for summary judgment.<sup>1</sup> Fed. R. Civ. P. 12(d). This order is without prejudice to either party's right to file a summary judgment motion re the merits of the case.

Each side having agreed to submit supplemental briefs (no more than 5 pages) by **May 29, 2015**, they are directed to do so. Additionally, the parties may submit any supplemental

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<sup>1</sup> In support of her opposition to defendant's motion, plaintiff submitted declarations that appear to pertain to her arguments re equitable tolling. The court is unsure what more plaintiff believes she needs to properly oppose defendant's motion. But, if plaintiff feels she will be prejudiced if she is precluded from taking discovery as to the issue of equitable tolling (Dkt. 19 at 2), she is invited to specify for the court precisely what discovery she believes she needs.

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declarations and evidence they believe are necessary. The court grants the parties' request to re-  
set the motion hearing for **June 16, 2015, 10:00 a.m.**

SO ORDERED.

Dated: May 19, 2015



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HOWARD R. LLOYD  
UNITED STATES MAGISTRATE JUDGE

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5:14-cv-04328-HRL Notice has been electronically mailed to:  
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