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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

JOHN VITALICH,  
APPELLANT,  
v.  
THE BANK OF NEW YORK MELLON,  
fka BANK OF NEW YORK,  
APPELLEE.

Case No. 16-cv-00420-BLF

**ORDER SETTING DEADLINE FOR  
RESPONSE TO APPELLANT'S  
EMERGENCY MOTION FOR STAY  
PENDING APPEAL; AND SETTING  
MOTION FOR HEARING ON MAY 19,  
2016, AT 10:00 AM**

[Re: ECF 16, 17]

Appellee Bank of New York Mellon shall file a written response to Appellant's Emergency Motion for Stay Pending Appeal not later than 3:00 p.m. on Wednesday, May 18, 2016.

Appellant's motion is set for hearing at 10:00 a.m. on Thursday, May 19, 2016 in Courtroom 3 on the Fifth Floor of the United States District Court, 280 S. 1st Street, San Jose, California, 95113.

Because Appellee's counsel is located in San Diego, California, Appellee's counsel may appear at the hearing telephonically via Court Call. Counsel shall arrange for any telephonic appearance by contacting Court Call Phone Conferencing at (866) 582-6878 in advance of the hearing.

**IT IS SO ORDERED.**

Dated: May 16, 2016



BETH LABSON FREEMAN  
United States District Judge