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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

POWER INTEGRATIONS, INC.,
Plaintiff,
v.
EDISON D. DE LARA, et al.,
Defendants.

Case No. 19-cv-02700-SVK

**CORRECTED ORDER REGARDING
INDIVIDUAL DEFENDANTS' NOTICE
OF WITHDRAWAL OF MOTION TO
DISMISS**

Re: Dkt. No. 30, 52

On July 30, 2019, Defendants Edison D. De Lara, Charles Reyes Evangelista, Ian Barrameda, and Alex F. Mariano II (collectively, the “Individual Defendants”) filed a motion to dismiss the first amended complaint pursuant to Federal Rules of Civil Procedure 12(b)(3) (improper venue) and/or 12(b)(6) (failure to state a claim). Dkt. 30.¹ On November 1, 2019, the Court issued an order on Individual Defendants’ motion to dismiss, which set deadlines for discovery and further briefing on venue-related issues. Dkt. 48. Because venue is a threshold issue, the Court deferred a ruling on the Individual Defendant’s Rule 12(b)(6) arguments. *Id.* at 3. Now before the Court is the Individual Defendants’ Notice of Withdrawal of Motion, in which they request to (1) withdraw their Rule 12(b)(3) motion for improper venue (Dkt. 30), (2) vacate the venue discovery/briefing order (Dkt. 48), and (3) defer a ruling on the still-pending motion to dismiss for failure to state a claim under Rule 12(b)(6) (Dkt. 30) until after the Court decides a forthcoming motion to transfer venue pursuant to 28 U.S.C. § 1404. Dkt. 52.

Good cause appearing, the Court GRANTS the Individual Defendants’ requests, as

¹ The Individual Defendants’ motion to dismiss was also brought on behalf of Stuart Hodge, Jr., who was originally named as a Defendant, but PI voluntarily dismissed Hodge before it filed an opposition to the motion. Dkt. 32.

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follows: The motion to dismiss (Dkt. 30) is TERMINATED insofar as it relates to Individual Defendants' Rule 12(b)(3) argument that venue is improper, and all deadlines associated with venue-related discovery and supplemental briefing (Dkt. 48) are VACATED. The Court will defer a ruling on the motion to dismiss (Dkt. 30) insofar as it argues for dismissal pursuant to Rule 12(b)(6) pending a ruling on Individual Defendants' forthcoming motion to transfer venue pursuant to 28 U.S.C. § 1404. Individual Defendants are ordered to file any motion to transfer venue no later than **January 17, 2020**.

SO ORDERED.

Dated: December 12, 2019



SUSAN VAN KEULEN
United States Magistrate Judge