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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

ISAAC KIGONDU KINITI,

Plaintiff,

vs.

BARBARA WAGNER, et al.,

Defendants.

CASE NO. 05cv1013 DMS (PCL)

**ORDER GRANTING
DEFENDANTS' EX PARTE
APPLICATION AND SETTING
BRIEFING SCHEDULE AND
ORAL ARGUMENT**

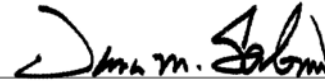
Defendants have submitted an ex parte application seeking additional time to file an opposition to Plaintiffs' motion for class certification. Plaintiffs have timely filed an opposition. In their application, Defendants indicate that they intend to file a motion to dismiss by May 1, 2007, and ask that the Court postpone the hearing on Plaintiffs' motion, currently set for May 25, 2007. Defendants also request that the Court grant them an extension, until 30 days after the Court's ruling on the motion to dismiss, to file an opposition to the class certification motion. Plaintiffs do not oppose rescheduling the class certification motion hearing for the same date as the hearing on Defendants' motion to dismiss, but urge that the Court not indefinitely postpone consideration of their motion. Having carefully reviewed the papers submitted by the parties, the Court concludes the motion to dismiss should be heard before the motion for class certification. Accordingly, the Court sets the following briefing schedules and hearing dates for both motions.

1 With respect to the motion to dismiss, Defendants shall file their motion no later than May 4,
2 2007. Plaintiffs shall file their opposition on or before May 21, 2007. Defendants shall file their reply
3 no later than June 1, 2007. The motion shall be heard on June 15, 2007, at 1:30 p.m.

4 With respect to the motion for class certification, Defendants shall file their opposition no later
5 than June 8, 2007. Plaintiffs shall file their reply no later than June 22, 2007. The motion shall be
6 heard on July 6, 2007, at 1:30 p.m.

7 **IT IS SO ORDERED.**

8 DATED: May 1, 2007



HON. DANA M. SABRAW
United States District Judge

11 cc: all parties
12 Judge Lewis

28