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**\*E-FILED 08-03-2011\***

NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

THIRD DEGREE FILMS, INC.,

No. C10-05862 HRL

Plaintiff,

v.

DOES 1-2010,

Defendants.

**ORDER (1) SETTING DEADLINE FOR  
CONSENT OR DECLINATION TO  
PROCEED BEFORE A UNITED STATES  
MAGISTRATE JUDGE; AND (2)  
SETTING BRIEFING AND HEARING  
SCHEDULE RE MOTION TO DISMISS**

\_\_\_\_\_ /  
A defendant, identifying himself only as John Doe, IP Address 69.116.186.51 has filed a motion to dismiss for lack of personal jurisdiction, or alternatively, for a protective order and leave to proceed anonymously. (Docket No. 17). Absent consent, however, the undersigned has no authority to issue a dispositive order. 28 U.S.C. § 636(b)(1). Accordingly:

No later than **August 17, 2011**, John Doe, IP Address 69.116.186.51, shall file either (1) a Consent to Proceed Before a United States Magistrate Judge or (2) a Declination to Proceed Before a Magistrate Judge and Request for Reassignment to a United States District Judge. The forms are available from the Clerk of the Court and on the court's website at <http://cand.uscourts.gov>.

Assuming this matter remains before the undersigned, the court sets the following briefing and hearing schedule re John Doe's motion to dismiss:

- Any opposition shall be filed by **September 27, 2011**.
- Any reply shall be filed by **October 4, 2011**.

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- The motion is set for hearing on **October 18, 2011, 10:00 a.m.** in Courtroom 2. If the court determines that the matter may be submitted without oral argument, it will so notify the parties.

SO ORDERED.

Dated: August 3, 2011



\_\_\_\_\_  
HOWARD B. LYON  
UNITED STATES MAGISTRATE JUDGE

1 5:10-cv-05862-HRL Notice has been electronically mailed to:

2 Ira M. Siegel irasiegel@earthlink.net

3 Nicholas Darius Kayhan nkayhan@kslaw.com, hhauck@kslaw.com

4 Richard Norman Koehler , II richard@koehlerlawoffice.org

5 Counsel are responsible for distributing copies of this document to co-counsel who have not  
6 registered for e-filing under the court's CM/ECF program.

7 Notice sent by U.S. mail to:

8 John Doe, IP Address 69.116.186.51

9 P.O. Box 8615

Saddle Brook, NJ 07663

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