

1 Plaintiff has filed a motion to adopt this Court's proposed summary disposition.
2 Defendants have not responded to the calendar notice and the time for requesting an
3 extension of time or responding to the notice has expired. For the reasons set forth in
4 the calendar notice, we reverse the district court's order of dismissal and remand for
5 trial on the merits.

6 **IT IS SO ORDERED.**

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 CYNTHIA A. FRY, Judge

9 **WE CONCUR:**

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 JAMES J. WECHSLER, Judge

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 LINDA M. VANZI, Judge