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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 08-3882 AHM (VBKx) Date September 9, 2009

Title VULCANO TARQUE v. NATIONAL RENTAL CAR FINANCING CORP., et al.

Present: The Honorable A. HOWARD MATZ, U.S. DISTRICT JUDGE

S. Eagle

Not Reported

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys **NOT** Present for Plaintiffs:

Attorneys **NOT** Present for Defendants:

Proceedings: IN CHAMBERS (No Proceedings Held)

Defendants have moved to dismiss the Second Amended Complaint (“SAC”). Plaintiffs have moved for leave to file a Third Amended Complaint (“TAC”). On March 23, 2009, this Court vacated the motion to dismiss, which was fully briefed, and explained that it would first address the motion to dismiss in *Zack Miller v. Vanguard Car Rental USA, Inc., et al.*, CV 08-3874, and the ruling in that case likely would be the basis for the ruling in this and the other related car insurance cases. On August 26, 2009, the Court issued an order in the *Vanguard* action dismissing the plaintiff’s claims and denying the plaintiff’s motion for leave to amend his complaint. That same day, the Court issued an order in this case ordering the parties to notify the Court what if any portions of their Motion to Dismiss and Motion for Leave to File a Third Amended Complaint still required a ruling, or whether instead the *Vanguard* Order disposed of all issues in this case.

On September 2, 2009, Plaintiff filed a “Notice of Plaintiff Regarding Motion to Dismiss,” stating that “Plaintiff submits that the *Vanguard* Order disposes all issues in this case.” Defendants then filed a notice agreeing with Plaintiffs.

On its own motion, the Court therefore **DISMISSES** this action with prejudice and **ORDERS** the Clerk to close the case.

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