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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 09-6680 AHM (RZx) Date November 25, 2009

Title RICHARD WHITEHURST v. WALGREEN'S COMPANY STORE, *et al.*

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

Kendra Bradshaw

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)

On October 16, 2009, Defendants Walgreen Company, Ifey Nwagboso, and Samantha Bragg moved to dismiss Plaintiff's Complaint for failure to state a claim under Fed. R. Civ. P 12(b)(6). On November 9, 2009, Defendants filed a statement of non-opposition to Plaintiff's motion to file a First Amended Complaint ("FAC"). On November 9, 2009, Plaintiff filed his FAC, dropping his claims for violations of state law, leaving only the federal claims.

On November 10, 2009, the Court ordered Plaintiff to file a statement indicating whether the claims remaining in the FAC are worded identically to the corresponding claims in the original complaint. On November 18, 2009, Plaintiff filed his response indicating that the claims remaining in the FAC are not worded identically to the corresponding claims in the original complaint. Accordingly, the Court DENIES Defendants' motion to dismiss¹ the original complaint without prejudice and invites Defendants to file a renewed motion addressing the FAC directly.

Initials of Preparer

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¹Docket No. 6.