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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

**SUN PACIFIC MARKETING
COOPERATIVE, INC.,**

Appellant,

v.

DIMARE FRESH, INC.,

Appellee.

CIV-F-06-1404 AWI GSA

**ORDER VACATING HEARING
DATE OF APRIL 13, 2009 AND
TAKING MATTER UNDER
SUBMISSION**

Appellee has made a motion for summary judgment. Doc. 60. Appellant has filed a timely opposition. Doc. 67. Appellee has filed a timely reply. Doc. 72. The hearing for the motion was set for April 13, 2009 at 1:30 PM. The court has reviewed the papers filed and has determined that the motion is suitable for decision without oral argument. See Local Rule 78-230(h).

Therefore, IT IS HEREBY ORDERED that the previously set hearing date of April 13, 2009 is VACATED, and no party shall appear at that time. As of that date, the court will take the matter under submission and will thereafter issue its decision.

IT IS SO ORDERED.

Dated: April 8, 2009

/s/ Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE