

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA	)	NO. 1:06-CV-01521 AWI DLB
for the Use and Benefit of	)	
Graybar Electric Company, Inc.,	)	ORDER VACATING HEARING
	)	DATE OF MARCH 7, 2011, AND
Use-Plaintiff,	)	TAKING MATTER UNDER
	)	SUBMISSION
v.	)	
	)	
MILLER/WATTS CONSTRUCTORS,	)	
INC., a California corporation, et al.,	)	
	)	
Defendants.	)	

Defendant Liberty Mutual Insurance Company has noticed for hearing and decision a motion to dismiss cross-claim by G.E. Electrical. The matter was scheduled for hearing to be held on March 7, 2011. Pursuant to Local Rule 230(c), Cross-Claimant was required to file either an opposition or a notice of non-opposition no later than February 21, 2011. Cross-Claimant failed to do so.

Due to Cross-Claimant’s failure to file a timely opposition or notice of non-opposition, he is in violation of the Local Rules. Cross-Claimant is further not entitled to be heard at oral argument in opposition to the motion. See Local Rule 230(c). The court has reviewed Defendant’s motion and the applicable law, and has determined that the motion is suitable for decision without oral argument. See Local Rule 230(g).

///

1           Therefore, IT IS HEREBY ORDERED that the previously set hearing date of March 7,  
2 2011, is VACATED, and no party shall appear at that time. As of March 7, 2011, the court will  
3 take the matter under submission, and will thereafter issue its decision.

4  
5 IT IS SO ORDERED.

6 Dated: March 3, 2011

  
\_\_\_\_\_  
CHIEF UNITED STATES DISTRICT JUDGE