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

HINDS INVESTMENTS, L.P.,
et al.,

Plaintiffs,

vs.

TEAM ENTERPRISES, INC., et al,
Defendants.

CASE NO. CV F 07-0703 LJO GSA

**ORDER TO DENY AS MOOT R.R. STREET
& CO., INC.'S F.R.Civ.P. 12 MOTION TO
DISMISS
(Doc. 54.)**

AND RELATED CROSS-ACTIONS AND
THIRD-PARTY ACTIONS.

This Court DENIES as moot defendant R.R. Street & Co., Inc.'s F.R.Civ.P. 12 motion to dismiss (doc. 54) given plaintiffs' filing of a second amended complaint and their representation that answering defendant Team Enterprises, Inc. does not oppose filing the second amended complaint. *See* F.R.Civ.P. 15(a); *Williams v. Bd. of Regents Of Univ. System of Ga.*, 477 F.3d 1282, 1291 (11th Cir. 2007). This Court VACATES the February 16, 2010 hearing on the motion to dismiss and DIRECTS the clerk to term the motion to dismiss (doc. 54).

IT IS SO ORDERED.

Dated: January 22, 2010

/s/ Lawrence J. O'Neill

UNITED STATES DISTRICT JUDGE

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