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LAW OFFICES OF  
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LLP

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ATTORNEYS FOR PLAINTIFF, JOHN ROE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

**JOHN ROE, a minor, by and through his  
Guardian Ad Litem, SHEILA IRENE  
CALLAHAN,**

**Plaintiffs**

**vs.**

**KYLE MATTHEW FISCHER, aka KYLE  
SIMMONS, a minor; MICHAEL FISCHER,  
aka MICHAEL SIMMONS, a minor;  
KELLY SIMMONS; JASON SIMMONS;  
MATTHEW MCKIMMIE, a minor;  
MYRNA TYNDAL; TOMMY SAN  
FELIPPO, a minor; FRANK HUDSON;  
BETTY HUDSON;**

**Defendants.**

**And Related Cross Actions.**

**NO.: 1:07-CV-00796-OWW-DLB**

**ORDER On Motion to Dismiss**

Upon reading Plaintiff's Motion for Dismissal without prejudice, Memorandum of Points & Authorities in Support thereof and for good cause appearing as the matter having been heard in open court, no opposition having been filed.

1 IT IS SO ORDERED that the action as to Defendants Tommy San Filippo, Frank Hudson,  
2 Betty Hudson, Kyle Matthew Fischer (aka Kyle Simmons), Michael Fischer (aka Michael  
3 Simmons), Kelly Simmons, Jason Simmons, Matthew McKimmie, and Myrna Tyndal be  
4 dismissed without prejudice.

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6 Dated: April 12, 2010

/s/ OLIVER W. WANGER \_\_\_\_\_  
OLIVER W. WANGER  
United States District Judge

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