

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

Plaintiffs have filed Statements of Non-Opposition to Defendants State of California and California Department of Transportation's motion to dismiss the Complaint for lack of subject matter jurisdiction on the ground of sovereign immunity.

Accordingly:

1. The motion to dismiss filed by Defendants State of California and California Department of Transportation is GRANTED:

2. This action is DISMISSED FOR LACK OF SUBJECT MATTER
JURISDICTION based on sovereign immunity against Defendants State
of California and California Department of Transportation.

IT IS SO ORDERED.

Dated: January 8, 2009

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE