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

<p>MARIO LOPEZ,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>COSTCO WHOLESALE CORPORATION, and DOES 1 through 100, Inclusive,</p> <p style="text-align: center;">Defendant.</p> <hr style="width: 100%;"/>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>NO. 1:08-CV-00719-AWI-SMS</p> <p>ORDER VACATING AUGUST 17, 2009 HEARING DATE AND TAKING MATTER UNDER SUBMISSION</p>
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Defendant’s motion for summary judgment has been set for hearing in this case on August 17, 2009. The court has reviewed the papers and has determined that this matter is suitable for decision without oral argument. Local Rule 78-230(h). Therefore, IT IS HEREBY ORDERED that the previously set hearing date of August 17, 2009, is VACATED, and the parties shall not appear at that time. As of August 17, 2009, the court will take the matter under submission, and will thereafter issue its decision.

IT IS SO ORDERED.

Dated: August 14, 2009

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