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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA – FRESNO**

**CALIFORNIA DAIRIES, INC., a
California Corporation,
Plaintiff,**

vs.

**RSUI Indemnity Company,
Defendant.**

Case No. 1:08-CV-00790-OWW-GSA
(Assigned to the Hon. Oliver W. Wanger,
Courtroom 3)

**ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANT’S
MOTION TO DISMISS THE FIRST
AMENDED COMPLAINT**

TO ALL PARTIES HEREIN AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, on August 3, 2009 at 10:00 a.m., Defendant RSUI Indemnity Company’s (“RSUI”) Motion to Dismiss Plaintiff’s First Amended Complaint came on for scheduled hearing in courtroom 3 of the above entitled court, the Honorable Oliver W. Wagner, Judge presiding. Based on the papers submitted by the parties and upon hearing oral argument, the Court rules as follows:

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