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

BRUCE SONS, an individual,)	CIV F 08 - 0840 AWI TAG
)	
Plaintiff,)	ORDER ON MOTIONS TO
)	PURSUANT TO F.R.C.P.
v.)	12(b)(6)
)	
JIM MCMANIS,)	
)	Doc. # 12
Defendant.)	
)	

In this action in diversity by plaintiff Bruce Sons (“Plaintiff”) against defendant Jim McManus (“Defendant”), the Magistrate Judge issued orders on March 5, 2009, directing the parties to submit briefs limited to the issues of (1) whether the requirement of a jurisdictional amount in controversy is met, (2) whether the action is barred by a statute of limitations, (3) whether the statute of frauds bars Plaintiff’s remaining claims, and (4) whether a prior judgment in a small claims proceeding precludes any claims in this action. Following the submission of limited briefing on the four issues, the court construed Defendant’s briefing as a motion to dismiss. On June 16, 2009, the Magistrate Judge issued an order scheduling further briefing and setting oral argument before Judge Ishii on August 5, 2009. The date for oral argument was subsequently continued to August 10, 2009. The court has reviewed the submissions of the parties and the applicable law and has determined that the matter is suitable for decision without oral argument. Local Rule 78-230(h).

1 Therefore, IT IS HEREBY ORDERED that the previously set hearing date of August 10,
2 2009, is VACATED, and no party shall appear at that time. As of August 10, 2009, the court
3 will take the matter under submission, and will thereafter issue its decision.

4
5 IT IS SO ORDERED.

6 **Dated:** August 5, 2009

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