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

ROBERT DESTFINO, et al.,)	1:08cv1269 LJO DLB
)	
)	ORDER DENYING MOTION
)	TO DISQUALIFY AS MOOT
Plaintiffs,)	
)	(Document 121)
vs.)	
)	
WILLIAM KENNEDY, et al.,)	
)	
Defendants.)	

Defendant William Kennedy (“Defendant”) filed the instant motion to disqualify Monte Day from representing co-Defendants Judith Roderick, Kenneth L. Reiswig, Effir Reiswig, The Silver Trumpets and Duane Johnson as representative of Rita I. Johnson, deceased.

On March 18, 2009, the Court granted Defendants’ motion to dismiss and the above co-Defendants were dismissed from this action without leave to amend.

Therefore, as Monte Day is no longer substantively appearing in this action,¹ Defendant’s motion to disqualify is DENIED as MOOT.

IT IS SO ORDERED.

Dated: April 3, 2009

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

¹ On March 26, 2009, Monte Day filed a procedural motion for judgment.