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6 **IN THE UNITED STATES DISTRICT COURT FOR THE**
7 **EASTERN DISTRICT OF CALIFORNIA**
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9 **M.D. a minor, by and through her**
10 **Guardian Ad Litem, V. Dixon,**

11 **Plaintiff,**

12 **v.**

13 **ROSEDALE UNION SCHOOL**
14 **DISTRICT, SUPERINTENDENT**
15 **JAMIE HENDERSON, PRINCIPAL**
16 **TRICA LAZENBY and DOES 1**
17 **through 100, Inclusive,**

18 **Defendants.**

NO. 1:08-CV-01873-AWI-GSA

ORDER VACATING
FEBRUARY 9, 2009 HEARING
DATE AND TAKING MATTER
UNDER SUBMISSION

19 Defendants' motion to dismiss the fourth and fifth causes of action in the first amended
20 complaint has been set for hearing in this case on February 9, 2009. The court has reviewed the
21 papers and has determined that this matter is suitable for decision without oral argument. Local
22 Rule 78-230(h). Therefore, IT IS HEREBY ORDERED that the previously set hearing date of
23 February 9, 2009, is VACATED, and the parties shall not appear at that time. As of February 9,
24 2009, the court will take the matter under submission, and will thereafter issue its decision.

25 IT IS SO ORDERED.

26 **Dated: February 6, 2009**

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